

STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
WORK SESSION ON DECEMBER 1, 2014

**PROPOSAL TO ADD STORAGE OF VEHICLES OF SPECIAL INTEREST AS A
CONDITIONAL USE IN THE MUA-20, RR, SRC, BRC, PH-RC, AND RC ZONES**

CASE FILE: PC-2013-3095

PART I. INTRODUCTION

This staff report presents the Planning Commission 2014 Work Program task of adding Special Interest Vehicles as a Conditional Use in Multiple Use Agriculture (MUA-20), Rural Residential (RR), Springdale Rural Center (SRC), Burlington Rural Center (BRC), Pleasant Home Rural Centers (PH-RC), and Rural Center (RC) Zones in the Multnomah County Code (MCC).

This project was added to the Work Program after staff noted that the structure of code language within MCC .6600 – .6615, Conditional Use of Storage of Special Interest Vehicles, was unclear. This report explains what Special Interest Vehicles are and presents code amendments, modeled on provisions in the urban zones of MCC 11.15.

Staff hopes to accomplish four objectives throughout this discussion:

1. *Confirm staff's interpretation of MCC .6300 - .6350 Conditional Uses and MCC .6600 – .6615 Storage of Special Interest Vehicles.*
2. *Provide clear answers regarding language omissions within current county codes by determining if certain provisions related to the storage of special interest vehicles were intentionally omitted.*
3. *Determine what changes are needed in order to provide better continuity between Storage of Special Interest Vehicles and other chapters of the Multnomah County Code (MCC).*
4. *Create allowances for the storage of special interest vehicles in the exception zones within Multnomah County.*

Staff Contact: John Miller

PART II. BACKGROUND

This project began upon determination that certain references regarding the Conditional Use of “*Storage of Special Interest Vehicles*” were no longer applicable to any zones within the current formatting of the MCC Zoning Code, Chapters 33-36. Staff identified the problematic portions of code, and determined that although clearly defined and listed as a conditional use within all sections of county code, special interest vehicles are not a listed use in any zones other than the remaining urban zones governed by the provisions of MCC 11.15.

By comparing existing chapters of code, it appears that the omissions occurred due to the lack of similar districts within the MCC Zoning Code, Chapters 33-36 when compared to MCC 11.15 zones. During the last large code-restructuring project that took place in 2001, certain zones were replaced with newer zones, possibly allowing provisions to have been lost unintentionally. Because of the differences between the two codes, revisions are needed to provide a better sense of continuity throughout MCC Zoning Code, Chapters 33-36, concerning conditional uses. To accomplish these changes, this report proposes adding code language to provide conditional use allowances to residential exception zones within unincorporated Multnomah County. It should be noted that as currently written, there is no allowance, nor has there been an historical allowance, for Storage of Special Interest Vehicles within the MUA-20, RR, BRC, SRC, PH-RC, or RC zones. Staff believes that the zones in question are suitable for conditional uses that would otherwise be allowed in more urban, smaller lots

For the purpose of the following analysis, it should be noted that all chapters of the county code, except for Chapter 38 - *Columbia River Gorge National Scenic Area*, permit the conditional use of Special Interest Vehicles within *Part 6 - Community Service and Conditional Uses*. For that reason, Chapter 38 has been left out of this analysis.

PART III. ANALYSIS

This analysis presents the progression and historical changes of Storage of Special Interest Vehicle regulations. By understanding this history, staff can determine which zones are suitable for inclusion into the new special interest vehicle conditional use provisions.

For ease of organization, each staff note within this analysis will serve to present a different idea or concept directly related to the storage of special interest vehicles.

Staff Note:

1. Special interest vehicles are defined separately within two MCC codes, and although maintained separately, these definitions are the same and present like definitions throughout the code. For full comparison of the documents, see Exhibits 2 and 3.

The definitions listed within MCC .6600 include “*Collector*”, “*Motor Vehicle of Special Interest*” and “*Parts Car*”. This code lists uses and approval criteria, as well as conditions for individuals looking to maintain these types of vehicles.

These definitions are based off Oregon Revised Statutes (ORS) 801.605.

Staff Contact: John Miller

.6600 – Definition – Storage of Vehicles of Special Interest

For the purpose of MCC .6600 through .6615, the following terms are hereby defined:

Collector – A person who owns one or more motor vehicles of special interest who collects, purchases, acquires, trades or disposes of those motor vehicles or parts thereof for the person's own use in order to preserve, restore and maintain a motor vehicle of special interest for hobby purposes.

Motor Vehicle of Special Interest – A motor vehicle satisfying the criteria of a “vehicle of special interest” as defined in the Oregon Vehicle Code (ORS Chapter 801, 2006) or otherwise unique due to limited production, original production, mechanical or styling oddities, high intrinsic value or produced by a company no longer in existence.

Parts Car – A motor vehicle generally in inoperable condition that is owned by a collector to furnish parts that are not obtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of special interest.

.6605 - Uses

The following uses may be permitted under MCC 35.6600 through 35.6615, when approved by the approval authority.

(A) The storage by a collector of one or more motor vehicles of special interest.

(B) The storage of parts of motor vehicles of special interest or of a parts car or cars when accessory to the storage of one or more motor vehicles of special interest.

.6610 – Approval Criteria

The approval authority shall find that the proposal will satisfy the approval criteria listed in MCC 35.6315.

.6615 – Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC 37.0660, the approval authority:

(A) Shall specify the location and size of the storage area;

(B) Shall require the enclosure of the storage area within a sight-obscuring fence and that stored items be maintained in a manner so as not to be visible above the top of the fence; and

(C) May require some or all of the stored items to be contained within a completely enclosed building or under a roofed structure of a size, location and design which is compatible with other permitted structures in the vicinity.

Discussion: By comparing the structure and formatting of MCC 11.15 and MCC Zoning Code, Chapters 33-36, we see that these codes are the same, supporting the suspicion that Special Interest Vehicle allowances were inadvertently deleted at some time.

<u>Staff Note :</u> 2. This chart lists the remaining zones still applicable within MCC 11.15 as well as listing if the zone currently allows for Storage of Special Interest Vehicles. For a map of remaining MCC 11.15 zones, see Exhibit 1.	<u>Zone</u>	Special Interest Vehicles Currently Allowed?	
		<u>Yes</u>	<u>No</u>
	C-3		X
	CFU		X
	CFU-3		X
	LM	X	
	LR-5	X	
	LR-7	X	
	LR-10	X	
	RC		X
	RR		X
	UF-20		X
MCC Zoning Code, Chapters 33-36	MUA-20		X
	RR		X
	RC		X

Discussion: This chart compares the remaining MCC 11.15 zones still under Multnomah County's planning jurisdiction, as well as the MCC Zoning Code, Chapters 33-36 zones in question, with their special interest vehicle conditional use provision allowances.

The zones that allow for the storage of special interest vehicles within MCC 11.15 are generally smaller sized urban-zoned lots and the code does not explicitly provide for those uses within other residential zones such as RC, RR, or MUA-20. It is the intent of staff to determine if storing special interest vehicles would also be appropriate for these additional zones, better reflecting the current zoning of county lands.

Staff Contact: John Miller

Staff Note:

3. By working to understand current conditional uses that are allowed within each zone in question, staff can make a determination of suitability based on other conditional use allowances within these zones. In order to make this determination, staff intends to compare other conditional uses currently listed as allowed, making a determination of the suitability of the storage of special interest vehicles.

There are no outright prohibitions on these actions by state statute, and staff believes that by making these changes, we are providing additional allowances to residents who may be looking to store special interest vehicles.

It is important to note the language for conditional uses within the MCC zoning code. Currently there are general conditional uses that can be found within MCC .6300 - .6765, listing specific uses and requirements that must be met prior to approval. In addition, each individual base zone lists those conditional uses allowed within the conditional use sections of MCC .2830 – MUA-20, .3130 – RR, and .3330 – RC.

§ 36.2830; Mixed Use Agriculture -20 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- (A) *Community Service Uses pursuant to the provisions of MCC 36.6000 through 36.6230;*
- (B) *- The following Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:*

Staff Note 3(1): This note serves as an excerpt to discuss MCC 36.2830 (B).

MCC 36.2830 (B) serves a dual purpose. The primary purpose is to reference the conditional uses allowed pursuant to the provisions of MCC 36.6300 – 36.6660, and the second purpose is to list the explicit uses allowed within each zone (1-9) based off those references for code allowances provided within MCC 36.6300 – 36.6660.

It should be noted that although storage of special interest vehicles is clearly referenced within the range of code listed (*MCC 36.6300 through 36.6660; MCC .6600 - .6615 – Storage of Special Interest Vehicles*), the explicit reference is missing within the uses listed.

- (1) *Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005; or exploration, mining and processing of aggregate and other mineral or subsurface resources;*
- (2) *Commercial processing of agricultural products primarily raised or grown in the region;*

Staff Contact: John Miller

(3) Raising any type of fowl or processing the by-products thereof for sale at wholesale or retail;

(4) Feed lots;

(5) Raising of four or more swine over four months of age;

(6) Raising of fur bearing animals for sale at wholesale or retail;

(7) Commercial dog kennels; and

(9) Commercial processing of forest products primarily grown in the region.

Staff Note 3(2):

There are subtle differences between the zones being discussed throughout this analysis (MUA-20, RR, BRC, SRC, PH-RC and RC) that should be acknowledged. These allowed conditional uses, while essentially the same, provide for slightly different uses depending on the Rural Plan Area or Chapter that the zone resides within.

When comparing the BRC, SRC, PH-RC, and RC Zones to MUA-20 AND RR, you can see that most RC zones allow for things like commercial and industrial uses as long as they can meet the zone requirements.

When comparing the MCC 11.15 Conditional Use provisions to MUA-20, RC, and RR language listed above, it is clear that this language is comparable to much of the language used today within the current code. This demonstrates that although the use was not historically allowed, the uses that were historically allowed were of a scale that would be similar to someone looking to store special interest vehicles, and this new use would not present a problem in terms of increasing a nuisance or decreasing land values.

Discussion: The information presented related to storage of special interest vehicles demonstrates intention to retain provisions within the current framework of code. It appears that as designed, storage of special interest vehicles was not initially desired to be allowed within many current zones in Multnomah County, but staff now believes that the zones in question would be appropriate for application as long as the applicant can meet the standards and requirements within the conditional use requirement section of MCC .6300 - .6315.

The uses currently allowed within the MUA-20, RR, and RC zones demonstrate that commercial, industrial, agriculture uses and their associated impacts are accepted within these zones, and one could make the argument that these uses could have a higher impact than the storage of special interest vehicles. Because special interest vehicles are required to be screened from public view and stored in a responsible way, staff believes that this use would allow for more resident allowances while simultaneously protecting land use concerns. Additionally,

these revisions would allow for a more effective code in that it would link provisions that currently are stand alone with zones that allow for that use.

Staff Note:

4. The Rural Plan Area update that occurred in 2001 replaced most portions of MCC 11.15, and worked to create individual sections of zoning code by acknowledging that different geographic areas within Multnomah County. Staff suspects that the omission covered under this staff note was unintentional and was the result of a technical error.

For example, MCC .6350 exists in all chapters except for Ch. 36, and staff cannot find any justification for intentional omission. Staff has included the table of contents for Chapter 36, as well as providing the needed language that the provisions lack.

§ 35.6350 CONDITIONAL USES PERMITTED

(A) Except as otherwise provided in each district, the following conditional uses may be permitted in any district when approved under this Chapter.

(B) The uses listed as conditional uses within each district, subject to the findings, criteria and standards stated therein.

For Staff Note 4, staff is proposing to insert MCC §.6350 into Chapter 36.

Chapter 36 - Conditional Uses

§ 36.6300 Purposes

§ 36.6305 General Provisions

§ 36.6315 Conditional Use Approval Criteria

§ 36.6325 Design Review § 36.6330 Design Review Exemption

§ 36.6335 Conditional Use Permit

§36.6340 Additional Approval Criteria for Certain Transportation Uses In the Exclusive Farm Use Zoning District

Discussion: This portion of the staff report could be categorized as a possible housekeeping item, but has been included in this project due to its direct relationship to special interest vehicles. Staff believes that this omission is unintentional and these changes would provide better continuity throughout the code framework.

PART IV. POSSIBLE AMENDMENTS TO EXISTING CODE – CONDITIONAL USES

Staff Note:

5. These amendments correct a house keeping item related to Chapter 36, and;

Provides options to either insert specific language into the MCC .2830 – MUA-20; .3130 – RR; and .3330 – RC, PH-RC, BRC, and SRC – or to remove it altogether. This example demonstrates changes to MUA-20, but changes within other zones would align with these changes.

Blue = Staff Comment

Bold = Existing Language

Double Underline = New Language

~~Strikethrough~~ = Language to be Deleted

1. Housekeeping Change (Staff Note 4)

Chapter 36 - Conditional Uses

§ 36.6300 Purposes

§ 36.6305 General Provisions

§ 36.6315 Conditional Use Approval Criteria

§ 36.6325 Design Review § 36.6330 Design Review Exemption

§ 36.6335 Conditional Use Permit

§36.6340 Additional Approval Criteria for Certain Transportation Uses In the Exclusive Farm Use Zoning District

§36.6350 Conditional Uses Permitted

(***)

§ 36.6350 *CONDITIONAL USES PERMITTED*

(A) Except as otherwise provided in each district, the following conditional uses may be permitted in any district when approved under this Chapter.

(B) The uses listed as conditional uses within each district, subject to the findings, criteria and standards stated therein.

2. Code Amendments Option One – Insert new conditional use for storage of special interest vehicles:

§ 36.2830 CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Community Service Uses pursuant to the provisions of MCC 36.6000 through 36.6230;

(B) The following Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:

(1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005; or exploration, mining and processing of aggregate and other mineral or subsurface resources;

(2) Commercial processing of agricultural products primarily raised or grown in the region;

(3) Raising any type of fowl or processing the by-products thereof for sale at wholesale or retail;

(4) Feed lots;

(5) Raising of four or more swine over four months of age;

(6) Raising of fur bearing animals for sale at wholesale or retail;

(7) Commercial dog kennels; and

(8) Commercial processing of forest products primarily grown in the region, and

(9) Storage of Special Interest Vehicles.

(C) ***

3. Code Amendments Option Two – Delete all references for MCC § .6600 - .6615, as well as all related definitions:

~~MCC .6600—Definition—Storage of Vehicles of Special Interest~~

~~For the purpose of MCC .6600 through .6615, the following terms are hereby defined:~~

Staff Contact: John Miller

~~Collector—A person who owns one or more motor vehicles of special interest who collects, purchases, acquires, trades or disposes of those motor vehicles or parts thereof for the person's own use in order to preserve, restore and maintain a motor vehicle of special interest for hobby purposes.~~

~~Motor Vehicle of Special Interest—A motor vehicle satisfying the criteria of a “vehicle of special interest” as defined in the Oregon Vehicle Code (ORS Chapter 801, 2006) or otherwise unique due to limited production, original production, mechanical or styling oddities, high intrinsic value or produced by a company no longer in existence.~~

~~Parts Car—A motor vehicle generally in inoperable condition that is owned by a collector to furnish parts that are not obtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of special interest.~~

~~.6605—Uses~~

~~The following uses may be permitted under MCC 35.6600 through 35.6615, when approved by the approval authority:~~

~~(A) The storage by a collector of one or more motor vehicles of special interest.~~

~~(B) The storage of parts of motor vehicles of special interest or of a parts car or cars when accessory to the storage of one or more motor vehicles of special interest.~~

~~.6610—Approval Criteria~~

~~The approval authority shall find that the proposal will satisfy the approval criteria listed in MCC 35.6315.~~

~~.6615—Conditions and Restrictions~~

~~In addition to the conditions and restrictions which may be attached under the provisions of MCC 37.0660, the approval authority:~~

~~(A) Shall specify the location and size of the storage area;~~

~~(B) Shall require the enclosure of the storage area within a sight-obscuring fence and that stored items be maintained in a manner so as not to be visible above the top of the fence; and~~

~~(B) May require some or all of the stored items to be contained within a completely enclosed building or under a roofed structure of a size, location and design which is compatible with other permitted structures in the vicinity.~~

4. Code Amendments Option Two – Delete all references MCC .2830 – MUA-20; .3130 – RR; and .3330 – RC, PH-RC, BRC, and SRC

Conditional Uses

§ .6300 - .6350 Conditional Uses (CU) (***)

§ .6400 - .6430 Animal Keeping-Dogs (***)

§ .6500 - .6535 Mineral Extraction (***)

~~§ .6600 – .6615 Storage of Motor Vehicles of Special Interest~~

~~**STORAGE OF VEHICLES OF SPECIAL INTEREST**~~

~~**34.6600 – Definitions (***)**~~

~~**34.6605 – Uses (***)**~~

~~**34.6610 – Approval Criteria (***)**~~

~~**34.6615 – Conditions and Restrictions (***)**~~

§ .6650- .6665 Type C Home Occupations (***)

Discussion: Staff believes that the changes to MCC represented in Option One (above) work to effectively promote the intent of the MCC Zoning Code, Chapters 33-36. This option best aligns with existing county code, as well as the historical intent of the structural design of the code.

PART VI. CONCLUSION

This staff report presents clear solutions to the objectives outlined within the introduction. These proposed changes will allow for a better understanding of the code at all levels as well as providing like conditions for residents, in terms of conditional uses throughout exception zones, within unincorporated Multnomah County.

As this project moves forward, staff believes that the proposed changes are essentially technical in nature, not changing the code but merely connecting the dots between existing code provisions and deficiencies that have been identified by staff. Additionally, staff believes that these changes provide for better continuity throughout the code. Staff is asking the Commission to assess whether these technical changes presented above accomplish the goals of the 2014 Work Program task of adding storage of special interest vehicles to the exception zones, and if they believe additional changes are necessary, then staff will return for an additional work session subsequent to those added changes. If there are no objections to these proposed changes, staff will proceed with this project and move forward to hearing.

PART VII. EXHIBITS

- Exhibit 1: Multnomah County Zoning GIS analysis – “What zones within Multnomah County currently apply to MCC 11.15?”
- Exhibit 2: *MCC .6300 - .6350 Conditional Uses*
- Exhibit 3: MCC 11.15.7405-.7420