

Memorandum



Tuesday, March 10, 2015

To: Project Team
From: Rithy Khut, Assistant Land Use Planner
Re: Rural Center Zones Analysis

SUMMARY

The purpose of this memo is to provide information regarding Rural Center zones in Multnomah County. This analysis will provide background information and an analysis comparing the county's regulations to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The goal will be to identify possible policy or regulatory changes to the Rural Center zones.

BACKGROUND

Oregon's statewide planning program required counties to inventory and zone farm and forest resource lands. For land that was already developed or unable to be used as resource land, counties can request to "take an exception" to either Goal 3 (agricultural land) or Goal 4 (forest land). Some of these exception lands encompass recognized rural communities that contain residential, commercial and industrial uses. These urban type uses are contrary to Goal 14 (urbanization), which establishes that urban uses must be contained within urban growth boundaries. As part of the process to reconcile this issue, in 1995, the Oregon Land Conservation and Development Commission (LCDC) adopted new administrative rules and goal amendments for urban uses on rural land. The amendments to Goal 14 and creation of the "Unincorporated Communities Rule" (OAR Chapter 660, division 22) were implemented to promote continuation of these developed areas and to ensure that appropriate resources, including water, sewer, and transportation services were provided for the proposed uses outside the urban areas.

The Rule created four classifications of unincorporated communities:

- Resort Community
- Rural Community
- Rural Service Center
- Urban Unincorporated Community

It gives counties more flexibility to plan these areas without having to fulfill the more stringent "exceptions" process and provides guidance for allowed uses in unincorporated communities. To encourage concentrations of rural residential development and limited commercial, light industrial and public service uses, the limitations on uses are less stringent than in resource zones. However, allowed non-residential uses must serve the unincorporated community and

surrounding rural area or serve the travel needs of people passing through the area. Industrial and commercial uses are also limited in the square footage of floor space.

RURAL CENTER ZONES IN MULTNOMAH COUNTY

To be recognized as an Unincorporated Community, the area must have been acknowledged either by a comprehensive plan or by the Department of Land Conservation and Development's (DLCD), "Survey of Oregon's Unincorporated Communities." Multnomah County has four rural centers that are classified as unincorporated communities according to the Unincorporated Communities Rule, and one that is unclassified but recognized through the rural area plan as a rural center. (See Table 1)

Table 1 - Areas with Rural Center Zoning

	Listed by DLCD	Acknowledged by Rural Area Plan	OAR Classification	County Zoning
Burlington	Yes	Yes	Rural Community	BRC
Orient	Yes	Yes	Rural Community	OR and OCI
Springdale	Yes	Yes	Rural Community	SRC
Pleasant Home	No	Yes	Rural Service Center	RC-PH
Sauvie Island	No	Yes	None	RC
Bonneville	No	No	None	RC-11.15

Burlington, Orient and Springdale are listed on DLCD's survey and were planned through separate rural area planning programs. Pleasant Home and Sauvie Island are not on the DLCD survey, but were also planned as part of rural area planning process. Bonneville, which will not be analyzed in this memo, is not on DLCD's survey and is not planned through a rural area plan.¹

As an exception zone, the Rural Center (RC) zones and regulations were established in 1977. Ordinance No. 100 created one RC zone that was applied across the county. The RC zone was updated periodically and continued through the codification of Ordinance No. 100 into Chapter 11.15 in 1982. In 2000, Chapter 11.15 was replaced with the creation of the four rural plan areas. Although Chapter 11.15 regulations still apply to certain geographic areas in the county, amendments to the Chapter 11.15 RC zone ceased. Moving forward, the RC zones in each rural area have undergone several amendment updates throughout the years. In 2002, as part of the West of Sandy River Rural Area Plan, Orient Rural Center Residential (OR), Orient Commercial-Industrial (OCI) and Pleasant Home (PH-RC) RC zones were created. Burlington (BRC) and Springdale (SRC) RC zones were individually planned and these two new zones were created and zoning regulations were updated in 2010.

The Rural Center zones across the county share the same allowed uses with only a few exceptions (See table 2 for a condensed list of uses). The allowed uses include single-family

¹ The rural centers, Bridal Veil, Corbett, Dodson, and Warrendale in the Columbia River Gorge National Scenic Area are not included in this analysis.

dwelling, farm uses like growing crops, raising livestock and honeybees and propagating or harvesting forest products. Additionally, accessory structures, Type A home occupations, solar, photovoltaic and wind turbines and family day care are allowed.

The review uses in the RC zones are also very similar with the exception of the Orient Commercial-Industrial zone. All RC zones allow for the wholesale or retail sales of products raised or grown on the premises and wireless communication facilities. Additionally, all RC zones except the OCI zone allow for Type B home occupations and structures necessary for the continued public safety or protection of essential public services. The PH-RC and Sauvie Island RC zones allow for a single-family dwelling that was constructed off-site (i.e. mobile or modular homes). In the Orient Rural Center Residential and the Pleasant Home Rural Center zone, Type C home occupations are allowed as a review use.

Orient is unique from the other rural centers by applying different zoning districts to distinguish its residential lands from its commercial and industrial lands. The OCI and OR zones are designed to limit conflicts between residential uses and commercial/industrial uses within the Orient community. As review uses, the OCI zone allows for small-scale low impact rural services and industry, which include restaurants, taverns, retail bakeries, manufacturing, and fabrication whereas the OR zone does not allow for those types of uses. Additionally, in the OCI zone because these small-scale uses are review uses, this zone has additional review criteria for approval.

There are minor differences for conditional uses and minimum lot size between RC zones. In all RC zones except OCI and Sauvie Island, small-scale low impact rural services are allowed conditionally. It is the same for small-scale low impact rural industry except in the Sauvie Island RC zone. The Sauvie Island RC zone allows for a light manufacturing uses. Commercial processing of agricultural or forestry products primarily grown in the vicinity is conditionally allowed in BRC and Sauvie Island. Springdale is the only zone that allows farm stands and in the BRC, SRC, and Sauvie Island Type C home occupations are allowed as a conditional use. The minimum lot size requirement is different between RC zones. Springdale, Pleasant Home, Orient Residential and the Sauvie Island RC zones have a one-acre minimum whereas Burlington has a two-acre minimum. The Orient Commercial and Industrial has no set minimum, instead it has the requirement that the parcel be adequate to support the use.

Table 2 – Simplified List of Uses

	West Hills	Sauvie Island / Multnomah Channel	East of Sandy River	West of Sandy River		
Uses	BRC	RC	SRC	RC-PH	RC-OR	RC-OCI
Residential						
Single-Family Detached Dwelling	P	P	P	P	P	P
Accessory Structures	P	P	P	P	P	P
Manufactured Or Mobile Homes		RU		RU		
Farming/Forestry						
Farm use, as defined In ORS 215.203	P	P	P	P	P	P
Raising and harvesting of crops;	P	P	P	P	P	P
Raising of livestock and honeybees; or	P	P	P	P	P	P
Forest Propagation Or Harvesting	P	P	P	P	P	P
Raising Livestock And Honeybees	P	P	P	P	P	P
Wholesale or retail sales, limited to those products raised or grown on the premises	RU	RU	RU	RU	RU	RU
Commercial processing of agricultural or forestry products primarily grown in the vicinity	CU	CU				
Commercial						
Type A	P	P	P	P	P	P
Type B	RU	RU	RU	RU	RU	
Type C	CU	CU	CU	RU	RU	
Farm Stands			CU			
Family Day Care	P	P	P	P	P	P
Rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses	CU	CU	CU	CU		RU
(a) Automobile Repair,	CU	CU	CU	CU		RU
(b) Restaurant,	CU	CU	CU	CU		RU
(c) Tavern	CU	CU	CU	CU		RU
(d) Professional Office,	CU	CU	CU	CU		RU
(e) Garden supply store,	CU	CU	CU	CU		RU
(f) Hardware store,	CU	CU	CU	CU		RU
(g) Retail bakery,	CU	CU	CU	CU		RU
(h) Service station,	CU	CU	CU	CU		RU
(i) Beauty and barber shop,	CU	CU	CU	CU		RU
(j) Video tape rental,	CU	CU	CU	CU		RU

	West Hills	Sauvie Island / Multnomah Channel	East of Sandy River	West of Sandy River		
Uses	BRC	RC	SRC	RC-PH	RC-OR	RC-OCI
Industrial						
Industrial uses conducted within an enclosed building that entail the manufacturing and processing of	CU		CU	CU		RU
(a) Apparel and other finished products made from fabric;	CU		CU	CU		RU
(b) Millwork, veneer, plywood, and structural wood members;	CU		CU	CU		RU
(c) Wood containers;	CU		CU	CU		RU
(d) Wood products, not elsewhere classified;	CU		CU	CU		RU
(e) Furniture and fixtures;	CU		CU	CU		RU
(f) Stone, clay, glass products except: cement, ready-mix concrete, and minerals and earths ground or otherwise treated;	CU		CU	CU		RU
(g) Fabricated metal products;	CU		CU	CU		RU
(h) Household appliances;	CU		CU	CU		RU
(i) Electric lighting and wiring equipment;	CU		CU	CU		RU
(j) Communications equipment;	CU		CU	CU		RU
(k) Electronic components and accessories;	CU		CU	CU		RU
(l) Motor vehicle parts and accessories;	CU		CU	CU		RU
(m) Laboratory apparatus and analytical, optical, measuring, and controlling instruments;	CU		CU	CU		RU
(n) Food and kindred products	CU		CU	CU		RU
Environmental						
Conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources	P	P	P	P	P	P
Institutional Uses						
Fire Station					CU	
Community Service Uses	CU	CU	CU	CU	CU	CU
Transportation facilities, services and improvements that serve local travel needs	P	P	P	P	P	P
Public School					CU	
Structures necessary for continued public safety, or the protection of essential public service	RU	RU	RU	RU	RU	
Energy						
Solar, Photovoltaic And Wind Turbine Systems	P	P	P	P	P	P

COMPARISON WITH STATE REQUIREMENTS

In comparing the county's Rural Center zone requirements with the Unincorporated Communities Rule (OAR 660, division 22), county regulations are consistent with the state rule. Each of the rural centers has an individualized plan and adopted zone designations that reflect the possible uses within the boundaries of the rural center (e.g., residential, commercial, industrial, public). Additionally, each RC zone has been tailored in response to policies in an individualized plan -- Sauvie Island RC was part of the Sauvie Island/Multnomah Channel Rural Area Plan, the Orient and Pleasant Home RCs were part of the West of Sandy Rural Area Plan, and Burlington and Springdale were planned and zoned as part of a targeted code revision project in 2010.

The zoning designations are consistent with state requirements by allowing uses authorized under Goal 3 (agricultural land) and Goal 4 (forest land) and small-scale commercial and industrial uses subject to certain restrictions. The RC zones limit the types of Goal 3 and Goal 4 uses to farm uses like growing crops, raising livestock and honeybees and propagating or harvesting forest products. Small-scale commercial and industrial uses include retail sale of products or services, manufacturing, processing, storage and wholesale distribution of goods.

Consistent with OAR 660, division 22, commercial uses are limited to 4,000 square feet of floor space. The county is more restrictive of industrial uses by limiting the maximum amount of floor space. The maximum allowed by the state rule is 40,000 square feet. In Springdale, industrial uses are not allowed to exceed 15,000 square feet of floor space or a footprint of 7,500 square feet. In Burlington, 10,000 square feet or a footprint of 5,000 square feet is the maximum allowed. The OR, OCI and PH-RC zones do not have a footprint maximum but industrial uses are not allowed to exceed 10,000 square feet of floor space.

Within the OCI zone, industrial uses are also required to support the needs of residents of the rural area or tourists visiting the area whereas the state only requires commercial uses to meet that requirement. Additionally, the code language is slightly different from the state requirement but has significant ramifications. The state requires commercial uses to "serve the community and surrounding rural area or the travel needs of people passing through the area" whereas the OCI zone requires that industrial and commercial uses "will primarily support the needs of residents of the rural area or tourists visiting the area."

In Burlington and Springdale, the county is also more stringent with rules on expansion of established industrial uses. The regulation limits expansion to a daily total of 40 employees whereas the Rule only requires that new uses have a limit on employment that does not exceed the total projected work force within the community and the surrounding rural area.

The Rule also has no limits on density and does not provide guidance on minimum lot size. The rule states, "County plans and land use regulations may authorize any residential use or density in unincorporated communities". Since the rule is silent on the topic of minimum lot size and ORS 215.780 does allow the county to adopt a lower minimum lot size under certain circumstances the RC zones are consistent with state requirements by having a one-acre

minimum in Springdale, Pleasant Home and Sauvie Island and a two-acre minimum in Burlington. The Orient Commercial and Industrial zone does not specify a minimum lot size, instead it requires the parcel be adequate to support the use.

CONCLUSION

The Comprehensive Framework plan and the rural area plans are all supportive of rural centers. The policies stress that RC zones are intended primarily for commercial and community services needs for the residents of the rural areas and to provide some tourist services. Additionally, the Framework Plan policy states that expansion of a rural center can only occur based on evidence of local area needs and the evaluation of impacts on adjacent resource areas. While it is unknown whether a RC zone boundary expansion is a desire of local residents, some county residents have stated that permitting of small-scale commercial uses should be simpler. In 2010, a code update was done for Burlington and Springdale that analyzed modifying uses to better meet the needs of the community. The Comprehensive Plan update it is an ideal time to undertake a similar analysis of the Orient and Pleasant Home RC zones. If any changes are recommended, these changes should be evaluated for the other RC zones as well.