

Memorandum

January 20, 2016

To: Community Advisory Committee
From: Kevin Cook, Multnomah County Planner
Re: Follow-up on Parking Lot Items 23 and 28

OVERVIEW

23	Appropriateness of the conditional uses (all uses) now allowed in Rural Residential and MUA-20 zones.
28	There should be a general policy requiring a CUP approval criterion about conformance with the goals of the Climate Action Plan. Where would it go in the Plan?

23. APPROPRIATENESS OF USES IN THE ZONING CODE:

BACKGROUND:

At the January 6, 2016 meeting, staff and the CAC discussed concerns around the list of conditional uses, community services uses, and review uses in the RR and MUA-20 zones (see Attachment 1).

While the code consolidation and reorganization project includes potentially deleting uses that no longer comport with State Law, the scope of the project does not include a review of the appropriateness of the uses. Staff indicated that such an effort would need to be a distinct planning effort including public outreach and participation. CAC members indicated they would like policy to clearly indicate that a review of listed uses will eventually occur, likely as a modification or addition to previously approved policies regarding RR and MUA-20 uses. Following is staff's proposed addition to a previously approved policy that will apply to both the RR zone MUA-20 zone:

PROPOSED POLICY TEXT (NEW TEXT IS DOUBLE UNDERLINED):

Policy (Already approved for Rural Residential zoned lands.)

New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area.

Strategy

Review the appropriateness of review uses, conditional uses and community service uses in the RR zone through a public process that involves community stakeholders prior to amending the Zoning Code.

Policy (Already approved for Multiple Use Agricultural zoned lands.)

New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area.

Strategy

Review the appropriateness of review uses, conditional uses and community service uses in the MUA- 20 zone through a public process that involves community stakeholders prior to amending the Zoning Code.

28. CONDITIONAL USE APPROVALS AND THE CLIMATE ACTION PLAN:

Item 28 was a specific request raised in an email from the West Hills contingent on November 9, 2015 relating to existing public facilities policies being reviewed by the Transportation and Public Facilities subcommittee:

“New general policy (not just for public facilities): Conditional use evaluations shall include conformance with the goals of the County’s Climate Action Plan.”

While staff is committed to including policies in the Comp Plan that support relevant action items in the Climate Action Plan, we do have some concerns with policies that could be rendered “void for vagueness.”

A community member has suggested a modified version of a recently adopted Sauvie Island/Multnomah Channel TSP policy. The CAC ran out of time at the end of the last meeting to discuss the proposal but agreed that the suggested language should be a starting place for consideration when the discussion resumes.

For the purposes of resuming the discussion staff has provided both the original TSP policy text as well as the proposed version:

Strategy IX of Goal 3 Objective B – 2015 SIMC TSP (see Attachment 2 for Objective B in its entirety):

Consider climate change and the Climate Action Plan when planning transportation investments and service delivery strategies.

Modified Strategy (as proposed by community member):

Consider climate change and the Climate Action Plan when ~~planning transportation investments~~ applying comprehensive plan policies and strategies, developing code and service delivery strategies.

Staff sees the above proposal as problematic; specifically, the words ‘when applying comprehensive plan policies and strategies’ – this is because we are still running into the vagueness issue.

Staff supports the following language as a new strategy:

Consider applicable goals of the Climate Action Plan when developing Zoning Code amendments.

Attachments:

1. List of Review, Conditional, and Community Service uses in the RR and MUA-20 zones.
2. Objective B, Goal 3 of the 2015 SIMC TSP – (from pages 38-39).

Attachment 1:

(Revised 1/27/2015 – previous version referenced wrong code section for review uses in the RR zone)

List of Review, Conditional, and Community Service uses in the Rural Residential (RR) and Multiple Use Agriculture – 20 (MUA-20) zones.

I. Review Uses in RR:

MCC 33.3125

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 pre-scribed 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 retail sales, limited to those products raised or grown on the premises, subject to the following condition:

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

(D) Off-street parking and loading.

(E) Property Line Adjustment pursuant to the provisions of MCC 33.3160.

(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 33.3160.

(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 33.3120 Allowed Uses.

(K) A Type B home occupation when approved by MCC 33.0550.

II. Review Uses in MUA-20:

MCC 33.2825

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 retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, 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 33.2860.

(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 33.2860.

(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 33.2820 Allowed Uses.

(K) A Type B home occupation when approved by MCC 33.0550.

III. Conditional Uses in RR:

MCC 33.3130

CONDITIONAL USES

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(A) Community Service Uses under the provisions of MCC 33.6000 through 33.6230;

(B) The following Conditional Uses under the provisions of MCC 33.6300 through 33.6660:

(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 of 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 more than four months of age;

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

(7) Commercial dog kennels;

(8) Planned Development for single family residences as provided in MCC 33.4300 through 33.4360 and the applicable current “planned unit development” standards within the Oregon Administrative Rules Chapter 660, Division 004;

(9) Cottage industries, under the provisions of MCC 33.6300 through 33.6350.

(10) Limited rural service commercial uses, such as local stores, shops, offices, repair services and similar uses.

(C) Type C home occupation as provided for in MCC 33.6655 through 33.6665.

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

IV. Conditional Uses in MUA-20:

MCC 33.2830

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 33.6000 through 33.6230;

(B) The following Conditional Uses pursuant to the provisions of MCC 33.6300 through 33.6660:

(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.
- (C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:
- (1) Planned Development for single family residences, as provided in MCC 33.4300 through 33.4360 and the applicable current “planned unit development” standards within the Oregon Administrative Rules Chapter 660, Division 004;
 - (2) Pursuant to the provisions of MCC 33.6300 through 33.6350:
 - (a) Cottage industries,
 - (b) Limited rural service commercial uses such as local stores, shops, offices, repair services and similar uses, and
 - (c) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.
- (D) Type C home occupation as provided for in MCC 33.6655 through 33.6665.
- (E) Large Fills as provided for in MCC 33.6700 through 33.6720.

V. Community Service Uses in both RR and MUA-20:

MCC 33.6015

USES

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

- (1) Boat moorage, marina or boathouse moorage.
- (2) Camp or campground.
- (3) Cemetery, crematory, mausoleum, mortuary or funeral home.
- (4) Church.
- (5) Group care facility.
- (6) Government building or use.
- (7) Hospital, sanitarium, rest or retirement home.
- (8) Kindergarten or day nursery.
- (9) Library.
- (10) Park, playground, sports area, golf course or recreational use of a similar nature.

- (11) Philanthropic or eleemosynary institution.
- (12) Power substation or other public utility building or use.
- (13) Private club, fraternal organization, lodge.
- (14) Racetrack.
- (15) Radio and television transmission towers.
 - (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service (PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
 - (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts, provided only self-supporting structures are permitted in the Exclusive Farm Use district.
 - (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 33.6125 (B).
 - (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 33.6015 (A) (15), 33.6100 through 33.6125, and 33.6135.
- (16) Refuse dump or sanitary landfill.
- (17) Resort, dude ranch, hunting or fishing lodge.
- (18) Recycling collection center.
- (19) Riding academy or the boarding of horses for profit.
- (20) School, private, parochial or public; educational institution.
- (21) Transit station.
- (22) Waste collection, transfer, processing, or recovery facility.
- (23) Museum.
- (24) Ambulance Service Substation.
- (25) Regional Sanitary Landfills.
- (26) Mining and processing of geothermal resources.
- (27) Wireless communications facilities
- (28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 33.6050.
- (29) Accessory uses to the above.
 - (B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

Attachment 2:

Objective B, Goal 3 of the 2015 SIMC TSP – (from TSP pages 38-39)

Goal 3: Develop a transportation system that supports the rural character of West Multnomah County...

Objective B: Provide a transportation system that minimizes impacts to wildlife and agricultural resources.

Policy: Apply roadway design safety standards appropriately by balancing the needs of the travelling public and minimizing negative impacts to the environment.

Implementation strategies:

- I.** Develop and implement a design exception process that considers the relative and incremental benefits of implementation, costs and impacts to the environment.
- II.** Assess implications of fish passage requirements on county facilities and develop a program for retrofitting drainage facilities.
- III.** Adopt and apply drainage system design guidelines and standards to accommodate fish passage.
- IV.** Adopt and apply rural roadway shoulder standards that preserve the rural character of the area.
- V.** Adopt and apply rural roadway standards that maintain and improve safe wildlife movement and ensure wildlife connectivity in the SIMC planning area.
- VI.** Assess Natural Resource strategies and explore design elements to minimize impacts to fish and wildlife habitat.
 - 1.** Where possible, avoid harm to wildlife, including wildlife movement, from new, existing, or improved transportation facilities, and where not possible, minimize harm to wildlife. Mitigate any unavoidable harm to wildlife.
 - 2.** Potential mitigation measures include, but are not limited to: wildlife crossings; improved culverts with shelves or dry paths built into the sides; mechanisms to funnel wildlife into the culverts; signage; habitat modification; asking drivers to turn on running lights; public awareness programs; and other wildlife mitigation measures that have been demonstrated to be effective.
- VII.** Explore incorporation of wildlife criteria for the Capital Improvement Plan and Program (CIPP).
- VIII.** Work with agencies to address impacts of boat traffic on the environment (e.g. shoreline).
- IX.** Consider climate change and the Climate Action Plan when planning transportation investments and service delivery strategies.