Part 4: Base Zones

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4.A – Resource Districts

4.A.1 – COMMERCIAL FOREST USE DISTRICTS (CFU)

§ 39.4050 [36.2000]- PURPOSES.

(A) The purposes of the Commercial Forest Use Base Zones (CFU) are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement applicable Comprehensive Plan policies, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

(B) One of the implementation tools to carry out the purposes of the CFU is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

(C) The CFU Base Zones are: CFU, CFU-1, CFU-2, CFU-3, CFU-4, and CFU-5. These zones may be referred to collectively as the "CFU" because all standards and requirements applicable to the specific CFU base zone itself also apply to each of the other zones except as expressly stated otherwise.

§ 39.4055 [36.2005] AREA AFFECTED.

MCC 39.4050 through 39.4155 shall apply to those lands designated CFU (CFU, CFU-1, CFU-2, CFU-3, CFU-4, and CFU-5) on the Multnomah County Zoning Map.

§ 39.4060 [36.2010] DEFINITIONS.

As used in MCC 39.4050 through 39.4155, unless otherwise noted, the following terms and their derivations shall have the following meanings:

Auxiliary - For the purposes of MCC 39.4070 (A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting

to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

Commercial Tree Species - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

Contiguous - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

Cubic Foot Per Acre - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

Cubic Foot Per Tract Per Year - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

Forest Operation - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

Heritage Tract Dwelling - A type of single family detached dwelling in the EFU and the CFU zoning districts with approval criteria that includes a requirement for ownership of the lot or parcel prior to January 1, 1985. The complete description of approval standards are in the use sections of the districts.

Large Acreage Dwelling - A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement for single ownership of 160 contiguous forest zoned acres or single ownership of 200 forest zoned acres in Multnomah County or adjacent counties that are not contiguous. The complete description of approval standards are in the use sections of the districts.

Same Ownership - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this subsection, the seller of a property by sales contract shall be considered to not have possessory interest.

Template Dwelling - A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement that a certain number of parcels and dwellings exist within a 160-acre square (map template) centered on the subject tract. The complete description of requirements are in the use sections of the district.

Tract - One or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

§ 39.4065 [36.2015] USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the CFU except for the uses listed in MCC 39.4070 through 39.4080 when found to comply with MCC 39.4100 through 39.4155 provided such uses occur on a Lot of Record.

§ 39.4070 [36.2020] ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary or permanent on site structures which are auxiliary to and used during a particular forest operation per ORS 215 and 455.315. Conversion of these structures is subject to any applicable land use and building permit review procedures; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(B) A temporary portable facility for the primary processing of forest products.

(C) Farm use, as defined in ORS 215.203.

(D) Alteration, maintenance, replacement or restoration of an existing lawfully established habitable dwelling as defined in MCC 39.2000 and located within 100-feet from an existing dwelling.

(1) In the case of a replacement dwelling, the existing dwelling shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

(E) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area.

(F) An uninhabitable structure accessory to fish and wildlife enhancement.

(G) A caretaker residence for a public park or a fish hatchery.

(H) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.

(I) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(J) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result.

(K) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(L) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(M) A lookout tower for forest fire protection.

(N) A water intake facility, canal and distribution lines for farm irrigation and ponds.

(O) A temporary forest labor camp.

(P) Exploration for mineral and aggregate resources as allowed by state law.

(Q) Exploration for geothermal resources.

(R) 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.

(S) Type A home occupations pursuant to MCC 39.8800.

(T) Accessory Structures subject to the following:

(1) The accessory structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning unites, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Building exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(U) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(V) Wildlife Habitat Conservation and Management Plan. This use is not allowed in the CFU-1, CFU-2, CFU-3, CFU-4, or CFU-5 and authorization of a single family dwelling in conjunction with a Wildlife Habitat Conservation and Management Plan is prohibited.

(W) Signs, as provided in this Chapter.

(X) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all base zone, overlay, and other zoning requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner must sign and record a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4075 [36.2025] REVIEW USES.

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

(A) Replacement or restoration of an existing lawfully established habitable dwelling more than 100 feet from the existing dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

(B) The following dwellings:

Base Zone	Large Acreage Dwelling -pursuant to MCC 39.4085 and all other applicable criteria.	Template Dwelling -pursuant to MCC 39.4090 and all other applicable criteria.	Heritage Tract Dwelling -pursuant to MCC 39.4095 and all other applicable criteria.
CFU	YES	YES	YES
CFU-1	YES	NO	NO
CFU-2	YES	YES	YES
CFU-3	NO	NO	NO
CFU-4	YES	YES	YES
CFU-5	NO	YES	NO

-(C) A temporary dwelling for health hardship pursuant to all applicable approval criteria, including but not limited to MCC 39.8700 and 39.4110.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 39.4100.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 39.4070 (D) or MCC 39.4075 (A) or (B), provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to all applicable approval criteria, including but not limited to MCC 39.4100, 39.4110 and 39.4115.

(1) In the CFU-4 zone, the mobile home may not exceed a period of two years.

(F) Off-street parking and loading as required by MCC 39.6500 through MCC 39.6600.

(G) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4130.

(H) 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.

(I) Wireless communications facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through MCC 39.7765.

(J) Lots of Exception pursuant to all applicable approval criteria, including, but not limited to MCC 39.4125, MCC 39.4135 and Part 9 of this Chapter.

(K) Consolidation of Parcels and Lots pursuant to MCC 39.9200.

(L) Structures or uses customarily accessory or incidental to any use permitted or approved in the CFU, which do not meet the "accessory structures" standard in MCC 39.4070 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(M) A Type B home occupation when approved pursuant to MCC 39.8850.

§ 39.4080 [36.2030] CONDITIONAL USES.

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

(A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4100, MCC 39.4105, MCC 39.4110, MCC 39.4115, and MCC 39.7500 through MCC 39.7525. For purposes of this Section, the applicable criteria of MCC 39.7515 shall be limited to Subsections (A) through (H) of that Section.

(1) Private park and private campground. In addition to the approval standards listed in MCC 39.4080(A) above, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, the campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f)The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(2) Cemetery.

(3) Fire station for rural and forest fire protection.

(4) Aid to navigation and aviation.

(5) Water intake facility, related treatment facility, pumping station, and distribution line. The term “distribution line” includes water conduits and water transmission lines.

(6) Reservoir and water impoundment.

(7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.210.

(8) Forest management research and experimentation facility as defined by ORS 526.215.

(9) State and Local Parks.

(a) Uses allowed in a State Park, subject to a state master plan as described in OAR 660 Division 34, are:

1. All uses allowed under Statewide Planning Goal 4, provided the uses are also allowed under OAR 736, Division 18; and

2. The uses, as authorized in a state master plan adopted by the Oregon Parks and Recreation Department (OPRD), listed in OAR 660-034-0035.

3. A "State Park" is any property owned or managed by OPRD and that has been determined by OPRD to have outstanding natural, cultural, scenic and/or recreational resource values that support the state park system mission and role. For the purposes of this subsection, endowment properties and administrative sites are not state parks.

(b) Uses allowed in a Local Park are those specified in OAR 660-034-0040. A Local Park is a public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district and that is designated as a public park in the applicable comprehensive plan and zoning ordinance [OAR 660-034-0010(8)].

(10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.

(11) Radio and television transmission towers subject to the definitions, restrictions and standards in MCC 39.7515, 39.7520 (A) (8) and 39.7550 through 39.7575 and wireless communications facilities when found to satisfy the requirements of MCC 39.7700 through 39.7765.

(12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings

necessary for its operation subject to the definitions, restrictions and standards in MCC 39.7600 through 39.7625.

(14) Private hunting and fishing operation without any lodging accommodations.

(15) Private seasonal accommodations for a fee hunting operation or fishing, provided:

(a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(b) Only minor incidental and accessory retail sales are permitted;

(c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

(16) Mining, processing and production of geothermal resources.

(B) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4100, MCC 39.4105, MCC 39.4110, MCC 39.4115, MCC 39.7000 through MCC 39.7035, and MCC 39.7300 through MCC 39.7330. For purposes of this Section, the applicable criteria of MCC 39.7015(A) shall be limited to Subsections (1) through (7) of that Section:

(1) Mining and processing of aggregate and other mineral or subsurface resources as allowed by state law;

(2) Permanent facility for the primary processing of forest products;

(3) Permanent logging equipment repair and storage;

(4) Log scaling and weigh stations;

(5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;

(6) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(7) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and

(8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC 39.5180 through 39.5190.

(C) Type C home occupations pursuant to all applicable approval criteria, including but not limited to MCC 39.7400 through 39.7410.

§ 39.4085 [33.2035] LARGE-ACREAGE DWELLING STANDARDS

A large acreage dwelling may be sited on a tract or tracts, subject to the following:

(A) The lot or lots in the tract(s) meet(s) the applicable Lot of Record standards of Part 3 of this Zoning Code.

(B) The property consists of:

(1) A single tract of at least 160 contiguous acres in one ownership within Multnomah County and all zoned for forest use; or,

(2) Two or more tracts of at least 200 combined acres in one ownership that are not contiguous, but are in Multnomah County or adjacent counties, and all zoned for forest use.

(C) There is no other dwelling on the tract and no other dwellings are allowed on other lots (or parcels) that make up the tract.

(D) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.

(E) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest

operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

(F) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;

(G) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:

(1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

(2) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to state law;

(H) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995) has been recorded with the county Division of Records;

(1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall specify that it is not lawful to use the acreage of the subject tract to qualify another tract for the siting of a dwelling;

(2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;

(3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

(I) The dwelling meets the applicable development standards of MCC 39.4110 and 39.4115.

§ 39.4090 [33.2240] TEMPLATE DWELLINGS STANDARDS

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the applicable Lot of Record standards of Part 3 of this Zoning Code.

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 39.4110 and 39.4115;

(3) The tract shall meet the following standards:

(a) If the tract is predominantly composed of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

(b) If the tract is predominantly composed of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings, or

(c) If the tract is predominantly composed of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square and those dwellings either continue to exist or have been replaced by lawful replacement dwellings.

(d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy Subsections (a) through (c) above.

(e) There is no other dwelling on the tract.

(f) No other dwellings are allowed on other lots (or parcels) that make up the tract.

(g) Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling.

(h) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling.

(i) Pursuant to the definition of "Date of Creation and Existence" in MCC 39.2000, if the lot, parcel or tract does not qualify for a dwelling under the standards in this section, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling.

(j) Pursuant to the definition of "Date of Creation and Existence" in MCC 39.2000, lots, parcels and tracts that are reconfigured after November 4, 1993 cannot be counted as meeting the "other lawfully created lots" existing on January 1, 1993 standard in subsections (A)(3)(a), (b), and (c) of this Section above: 3, 7, and 11 lots respectively.

(k) "Within" as used in the context of Subsections (a)2., (b)2. and (c)2. of this Section shall mean that all of the dwellings or any part of the dwellings are in the 160-acre square.

(4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.

(5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

(6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:

(a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

(b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If

the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to state law;

(7) The dwelling meets the applicable development standards of MCC 39.4110 and 39.4115;

(8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

(9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;

(a) The covenants, conditions and restrictions shall specify that:

1. All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and

2. No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;

(b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;

(c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

§ 39.4095 HERITAGE TRACT DWELLINGS STANDARDS

(~~B~~A) A heritage tract dwelling may be sited, subject to the following:

(1) On a tract:

(a) That is not developed with a single family residence, and

(b) That is not capable of producing 5,000 cubic feet per year of commercial tree species based on soil type, and

(c) That is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road within the public right-of-way shall be maintained to the standards set forth in the County Right-of-Way Access Permit and be, as applicable, either paved or surfaced with rock. The road shall not be:

1. A U.S. Bureau of Land Management road; or

2. A U.S. Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(d) For which deeds or other instruments creating the lots or parcels were recorded with the County Recorder, or were in recordable form prior to January 1, 1985;

(e) That is comprised of lots or parcels that were lawfully created and pursuant to the definition of "Date of Creation and Existence" in MCC 39.2000, if the lot, parcel or tract does not qualify for a dwelling under the standards in this section, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the criteria for a new dwelling;

(f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, the tract was acquired and owned continuously by the present owner:

1. Since prior to January 1, 1985; or

2. By devise or by intestate succession from a person who acquired the lot or parcel since prior to January 1, 1985.

3. For purposes of this subsection, "owner" includes the spouses in a marriage, son, daughter, parent, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, parent-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(g) Where the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, that no dwelling exists on another lot or parcel that was part of that tract.

(2) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

(3) When the tract on which the dwelling will be sited consists of more than one lot or parcel, the remaining lots or parcels shall be consolidated into a single lot or parcel prior to the issuance of any development permits.

(4) Prior to the issuance of any development permits the owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:

(a) The Land Use Planning Division shall notify the County Assessor of the above condition at the time the dwelling is approved;

(b) The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(c) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to state law;

(5) The dwelling meets the applicable standards of MCC 39.4110 and 39.4115.

§ 39.4100 [36.2045] USE COMPATIBILITY STANDARDS.

(A) Specified uses of MCC 39.4075 (D) and (E) and MCC 39.4080 (A), (B) and (C) may be allowed upon a finding that:

(1) The use will:

(a) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(b) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

(2) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

(B) In the East of Sandy River Planning Area single family dwellings as specified in MCC 39.4075 (B) may be allowed upon a finding that they will not significantly impact open space, public facilities, wildlife habitat, and rural community character.

§ 39.4105 [36.2050] BUILDING HEIGHT REQUIREMENTS

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

§ 39.4110 [36.2056] FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Property owner is encouraged to establish Primary to the extent possible
Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property lines	30	30	Primary is required to the extent possible within the existing setbacks
At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling	May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.	30	30	Primary required; Maintenance of vegetation in the Secondary is required to the extent possible
Replaced or restored dwelling over 100 ft. from existing dwelling	Meet current setback standards	30	130	Primary & Secondary required
At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling	N/A	30	30	Primary required

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Temporary Heath Hardship farther than 100 ft. from existing dwelling	N/A	30	130	Primary and Secondary required
At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling	N/A	30	30	Primary required
Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling	N/A	30	130	Primary and Secondary required
Template Dwelling	N/A	30	130	Primary & Secondary required
Heritage Tract Dwelling	N/A	30	130	Primary & Secondary required
Large Acreage Dwelling	N/A	30	130	Primary & Secondary required
Accessory structures within 100 ft. of the dwelling	N/A	30	30	Primary required
Accessory structures located more than 100 ft. from the dwelling	N/A	30	130	Primary & Secondary required

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Addition to an existing structure	May maintain current nonconforming setback(s) if less than 30 ft. to property lines	30	30	Primary is required to the extent possible within the existing setbacks.
Other Accessory structures	N/A	30	130	Primary & Secondary required
Fences and Retaining Walls	N/A	Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.	Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.	N/A
Other Structures	N/A	30	130	Primary & Secondary required

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Property Line Adjustment; Lot of Exception; Land Divisions.	May maintain current nonconforming setback to existing structures	30	30	On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 39.4155 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback 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 setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended farther down the slope from a dwelling or structure as follows:

Table 1.

Percent Slope	Distance In Feet
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 39.4155.

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

§ 39.4115 [36.2061] DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES.

All dwellings and structures shall comply with the approval criteria in (B) through (D) below except as provided in (A). All exterior lighting shall comply with MCC 39.6850:

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 39.4115;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 39.4115(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 39.4115;

(b) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 39.4115(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 39.4115(C).

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 39.4115(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B) and (C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 39.4115;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B) and (C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 39.4115;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 39.4115(B) and (C);

(B) New dwellings shall meet the following standards in (1) and (3) or (2) and (3); restored or replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from the existing dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 39.4110;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) Access roadways shall be approved, developed and maintained in accordance with the requirements of the structural fire service provider that serves the property. Where no structural fire service provider provides fire protection service, the access roadway shall meet the Oregon Fire Code requirements for fire apparatus access;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the fire apparatus access standards of the Oregon Fire Code with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.003 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

§ 39.4120 [36.2063] LOT SIZE REQUIREMENTS

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 39.4125, 39.4130, 39.4140, 39.3010, 39.3020, 39.3030, 39.3040, 39.3050 and 39.3060.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

(C) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 39.9510(D).

§ 39.4125 [36.2065] LOTS OF EXCEPTION.

An exception to permit the creation of a lot of less than the minimum 80 acre parcel size for new parcels may be authorized as provided in Subsection (A) or (B) below and subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

(1) The Lot of Record to be divided is larger than 80 acres;

(2) The Lot of Exception will contain a dwelling which lawfully existed prior to January 25, 1990;

(3) The Lot of Exception will be no larger than 5 acres.

(a) In the CFU-1 and CFU-2 zones, the Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(4) The division will create no more than one lot which is less than 80 acres;

(5) The division complies with the dimensional requirements of MCC 39.4110; and

(6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

(1) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(2) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.283(1)(p);

(3) The new lots or parcels comply with the following size requirements:

(a) In the CFU zone, except for one lot or parcel, each lot or parcel created under this subsection is between two and five acres in size;

(b) In the CFU-1, CFU-2, CFU-3, CFU-4, and CFU-5 zones, one of the parcels created is between two and five acres in size;

(4) At least one dwelling is located on each parcel created;

(5) The landowner of a lot or parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use;

(6) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 39.4110 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas; and

(7) The development standards for dwellings and structures in MCC 39.4115, the exception standards for secondary fire safety zones in MCC 39.4155, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the base zone" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

(C) The ~~County~~ Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(D) Land Divisions for Park and Open Space.

(1) The governing body of a county or its designee may approve a proposed division of land in a forest zone or a mixed farm and forest zone to create two parcels if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in this section.

(2) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(a) If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support continued residential use of other allowed use of the parcel; or

(b) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.

(3) Before approving a proposed division of land under this section, the governing body of a county or its designee shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit land conservation organization, present for recording in the deed records for the county in which the parcel retained by the provider or organization is located an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(a) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and

(b) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(4) If a proposed division of land under this section results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the county may approve the division.

(E) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

§ 39.4130 [36.2070] LOT LINE ADJUSTMENT; PROPERTY LINE ADJUSTMENT

(A) Pursuant to the applicable provisions in MCC 39.9300, an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this base zone;

(2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;

(3) The new lot line is in compliance with the dimensional requirements of MCC 39.4110;

(4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and

(5) If the properties abut a street, the required access requirements of MCC 39.4135 are met after the relocation of the common property line.

§ 39.4135 [36.2073] ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a preexisting lot and parcel that constitutes a Lot of Record described in MCC 39.3010(C), 39.3020(C), 39.3030(C), 39.3040(C), 39.3050(C) or 39.3060(C).

§ 39.4140 [36.2080] LOT SIZE FOR CONDITIONAL USES.

Lots less than the minimum specified in MCC 39.4120(A) may be created for the uses listed in MCC 39.4070(R) and 39.4080(A)(1) through (6), (9) through (13), and (16) and (B)(1) through (4), after approval is obtained pursuant to MCC 39.4100 and based upon:

(A) A finding that the new lot is the minimum site size necessary for 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 base zone.

§ 39.4145 [36.2085] OFF-STREET PARKING AND LOADING.

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4150 [36.2107] SINGLE FAMILY DWELLINGS CONDITION OF APPROVAL - PROHIBITION ON CLAIMS ALLEGING INJURY FROM FARM OR FOREST PRACTICES

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

§ 39.4155 [36.2110] EXCEPTIONS TO SECONDARY FIRE SAFETY ZONES

(A) The secondary fire safety zone for dwellings and structures may be reduced pursuant to the provisions of MCC 39.4155 (B) when:

(1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or

(2) The dwelling or structure will be located within 130 feet of the centerline of a public or private road serving two or more properties including the subject site; or

(3) The proposed dwelling or structure will be clustered with a legally existing dwelling or structure.

(B) Exceptions to secondary fire safety zones shall only be granted upon satisfaction of the following standards:

(1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or

(2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and

(3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and

(4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of subsection (B) (1) above are utilized, or

(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of subsection (B) (2) above are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 39.4075 (A) shall not be required to meet this standard, but shall satisfy the standard of MCC 39.4115(C)(3).

(6) All accessory structures within the fire safety zone setbacks required by MCC 39.4110, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building shall have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition

Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

4.A.2 – EXCLUSIVE FARM USE - EFU

§ 39.4200 [33.2600]- PURPOSE

The purposes of the Exclusive Farm Use Base Zone are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this base zone shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use Subpart.

One of the implementation tools to carry out the purposes of this base zone is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

§ 39.4205 [33.2605] AREA AFFECTED

MCC 39.4200 through 39.4265 shall apply to those areas designated EFU on the Multnomah County Zoning Map.

§ 39.4210 [33.2610] DEFINITIONS

As used in MCC 39.4200 through MCC 39.4265, unless otherwise noted, the following terms and their derivations shall have the following meanings:

Area: As used in ORS 215.203 for the production of biofuel, "area" is limited to Clark and Skamania counties in Washington State, Multnomah, Columbia, Washington, Clackamas, Yamhill, Hood River and Marion counties in Oregon.

Campground – An area devoted to overnight temporary use for vacation, recreational or emergency purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

Channelization – The separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. Channelization does not include continuous median turn lanes.

Commercial Agricultural Enterprise – Farm operations that will:

(1) Contribute in a substantial way to the area's existing agricultural economy; and

(2) Help maintain agricultural processors and established farm markets.

When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and the method by which it is marketed shall be considered.

Commercial Photovoltaic Solar Power Generation Facility – means an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, and storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. A photovoltaic solar power generation facility does not include a net metering pursuant to ORS 757.300 and OAR chapter 860, division 39 or Feed-in-Tariff project pursuant to ORS 757.365 and OAR chapter 860, division 84.

Contiguous – refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

Deferred Replacement Permit – is a building permit for replacement of an existing dwelling that allows construction of a replacement dwelling at any time. The deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

Farm Operator – means a person who operates a farm, doing the work and making the day-today decisions about such things as planting, harvesting, feeding and marketing.

High-Value Farm Land – means land in a tract composed predominately of soils that are:

(1) Irrigated and classified prime, unique, Class I or Class II; or

(2) Not irrigated and classified prime, unique, Class I or Class II; or

(3) Willamette Valley Soils in Class III or IV including:

(a) Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;

(b) Subclassification IIIw specifically, Cornelius;

(c) Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in "Soil Survey of Multnomah County, published by the Soil Conservation Service, US Department of Agriculture, 1983."

The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to ORS 215.710(5).

Private School – means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

Public School – means publicly owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

Same Ownership – Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this subsection, the seller of a property by sales contract shall be considered to not have possessory interest.

Suitable for Farm Use – means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".

Tract – means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required area because it is crossed by a public road or waterway. Lots with a common boundary of only single point are not a tract.

§ 39.4215 [33.2615] USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone for the uses listed in MCC 39.4220 through 39.4230 when found to comply with MCC 39.4245 through 39.4260 provided such uses occur on a Lot of Record.

§ 39.4220 [33.2620] ALLOWED USES

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) Farm use, as defined in ORS 215.203.

(B) Buildings other than dwellings customarily provided in conjunction with farm use.

(C) The propagation or harvesting of forest products.

(D) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (1)(a) or (b).

(E) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be the basis for an exception under ORS 197.732 (1)(a) or (b).

(F) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(G) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result. Reconstruction or modification also includes "channelization" of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings.

(H) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(I) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(J) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a historic property inventory as defined in ORS 358.480 and listed on the National Register of Historic Places.

(K) Creation of, restoration or enhancement of wetlands.

(L) Alteration, restoration or replacement of a lawfully established habitable dwelling.

(1) In the case of a replacement dwelling:

(a) The existing dwelling must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling, or

(b) If the applicant has requested a deferred replacement permit, the existing dwelling must be removed or demolished within three months after the deferred replacement permit is issued. If, however, the existing dwelling is not removed or demolished

within three months after the deferred replacement permit is issued, the permit becomes void.

(2) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The Planning Director or the Director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

(3) As a condition of approval, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(M) Replacement of an existing lawfully established single family dwelling on the same lot not more than 200 feet from the original building site when the dwelling was unintentionally destroyed by fire, other casualty or natural disaster. The dwelling may be reestablished only to its previous nature and extent, and the reestablishment shall meet all other building, plumbing, sanitation and other codes, ordinances and permit requirements. A building permit must be obtained within one year from the date of the event that destroyed the dwelling.

(N) Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, wholly within an EFU base zone may be maintained, enhanced or expanded:

(1) Use is subject to MCC 39.4235.

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

(3) Must satisfy the requirements of MCC 39.6500 through 39.6600, MCC 39.7525(A), MCC 39.8000 through 39.8050 and MCC 39.6745.

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

(5) Activities customarily associated with the practice of religious activity include worship services, religion classes, weddings, funerals, child care and meal programs, but do not include private or parochial school education for prekindergarten through grade 12 or higher education.

(O) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list;

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(P) Structures or fenced runs for the shelter or confinement of poultry or livestock.

(Q) Type A home occupation pursuant to MCC 39.8800.

(R) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(S) Wildlife Habitat Conservation and Management Plan. Authorization of a single-family residential dwelling in conjunction with a Wildlife Habitat Conservation and Management Plan is prohibited.

(T) On-site filming and activities accessory to on-site filming if the activity would involve no more than 45 days on any site within any one-year period or does not involve erection of sets that would remain in place for longer than any 45-day period. On-site filming and activities accessory to on-site filming may be considered to include office administrative functions such as payroll and scheduling, and the use of campers, truck trailers or similar temporary facilities.

Temporary facilities may be used as temporary housing for security personnel.

"On-site filming and activities accessory to on-site filming" includes: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming" does not include: facilities for marketing, editing and other such activities that are allowed only as a home occupation or construction of new structures that requires a building permit.

(U) 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 pre-existed 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. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this paragraph. 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.

(V) Fire service facilities providing primarily rural fire protection services subject to satisfying the requirements of MCC 39.6500 through 39.6600 (off-street parking), MCC 39.7525(A) (minimum yards), MCC 39.8000 through 39.8050 (design review), and MCC 39.6745 (signs).

(W) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities associated with a district as defined in ORS 540.505.

(X) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(1) A public right of way;

(2) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(3) The property to be served by the utility.

(Y) Land application of reclaimed water, agricultural or industrial process water or biosolids.

Subject to the issuance of a license, permit or other approval by the Oregon Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in exclusive farm use zones under OAR Chapter 660 Division 33.

(Z) Signs, as provided in this chapter.

(AA) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4225 [33.2625] REVIEW USES

(A) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating power for public use by sale or transmission towers over 200 feet in height provided:

(1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 39.7550 through 39.7575.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 39.7700 through 39.7765.

(3) All other utility facilities and/or transmission towers 200 feet and under in height subject to the following.

(a) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility"; and

(b) The facility satisfies the requirements of MCC 39.6500 through 39.6600; 39.7525(A); 39.8000 through 39.8050; and 39.6745.

(B) A farm help dwelling for a relative on real property used for farm use-subject to the standards in MCC 39.4265 (A).

-(C) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use subject to the standards in MCC 39.4265 (B).

(D) Accessory farm dwellings, which includes all types of residential structures allowed by the applicable state building code, customarily provided in conjunction with farm use subject to all of the standards in MCC 39.4265 (C).

-(E) Notwithstanding the same ownership grouping requirements of the Lot of Record Part, a single family heritage tract dwelling may be allowed on land not identified as high-value farmland subject to the standards in MCC 39.4265 (D).

-(F) A Farm Stands subject to MCC 39.8870 through MCC 39.8885.

(G) A winery, as described and regulated in ORS 215.452, and subject to MCC 39.8900 – 39.8920, including uses and activities listed in MCC.8915.

(H) Off-street parking and loading pursuant to MCC 39.6500 through 39.6600.

(I) Lot Line Adjustment pursuant to the provisions of MCC 39.4255.

(J) 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.

(K) A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. The siting standards are the requirements of MCC 39.6500 through 39.6600 (off-street parking), MCC 39.4245(C), (D) & (E) (yards), and MCC 39.6745 (signs).

(L) Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

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

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

(M) In the West of Sandy River Rural Plan Area a State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in MCC 39.8000 through 39.8050, and any other applicable zoning code requirements; and

(1) Accessory facilities including but not limited to parking areas, may only be allowed in the EFU zone if there is no alternative location in another zone and;

(2) Accessory facilities which must be located in the EFU zone, shall be of a size and scale that is consistent with the rural character of the area.

(N) Consolidation of Parcels and Lots pursuant to MCC 39.9200.

(O) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4220, Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(P) Existing schools may be enhanced subject to the requirements for Design Review in MCC 39.8000 – 39.8050, Off-street Parking in MCC 39.6500 – 39.6600, and the applicable provisions of MCC 39.4235. Enhancement includes alteration of school facilities that do not add enclosed structures that could increase the design capacity of the school or that do not extend school-related activities closer to the boundary of the tract.

(Q) A temporary dwelling for health hardship pursuant to MCC 39.8700 and 39.4245.

(R) A Type B home occupation when approved pursuant to MCC 39.8850.

(S) A large winery, as described and regulated in ORS 215.453.

(T) A winery may carry out up to 18 days of agri-tourism or other commercial events in a calendar year on the tract occupied by the winery, subject to MCC 39.8920.

§ 39.4230 [33.2630] CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable provisions in MCC 39.7000 to 39.7035 and the criteria listed for the use:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to MCC 39.4225(K) above. Uses under this provision shall be subject to the approval criteria in MCC 39.7015(1) through (7).

(B) Operations conducted for:

(1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this section; and

(2) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

(C) Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120 and MCC 39.4235.

(D) Private parks, playgrounds, hunting and fishing preserves, and campgrounds.

(1) Existing facilities wholly within an EFU base zone may be maintained, enhanced or expanded subject to the applicable requirements of this Chapter.

(2) New facilities may be allowed, but not on high-value farm lands.

(3) In addition to the approval standards in MCC 39.7000 to 39.7035, a private campground shall be subject to the following:

(a) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds within three miles of an urban growth boundary shall meet the provisions in MCC 39.4235.

(b) The campground shall be an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

(c) The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

(d) The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

(e) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites, except that electrical service may be provided to yurts. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(f) The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(g) A private campground may provide yurts for overnight camping provided:

1. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.

2. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

3. As used in this subsection, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(E) Community centers owned ~~and operated~~ by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community. The use shall meet the provisions in MCC 39.4235.

(F) Type C home occupation as provided for in MCC 39.7400 through 39.7410.

(G) A facility for the primary processing of forest products, provided that such facility and is compatible with farm uses described in ORS 215.203 (2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature.

The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(H) Transmission towers over 200 feet in height, except as follows:

(1) Radio and television towers if found to satisfy the requirements of MCC 39.7550 through MCC 39.7575; and

(2) Wireless communications facilities 200 feet and over are not allowed.

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

(J) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission. In accordance with ORS 215.283(2)(p), notice of all applications shall be mailed to the State Department of Agriculture at least 20 calendar days prior to any initial hearing on the application.

(K) Public road and highway projects including:

(1) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. and;

(2) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.

(L) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: MCC 39.7015 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of MCC 39.4265 (D) (1) through (8); and

(2) The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot of parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; and

(3) The dwelling will not:

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

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

(4) The dwelling will not materially alter the stability of the overall land use pattern of the area.

(M) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: MCC 39.7015 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of MCC 39.4235(D) (1) through (8); and

(2) The tract on which the dwelling will be sited is:

(a) Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and

(b) Less that twenty-one acres in size; and

(c) Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(d) Is not a flag lot and the tract is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary, or

(e) The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. For purposes of this section, the center of the subject tract is the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary. As used in this subsection:

1. "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract; and

2. "Geographic center of the flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.

(N) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(O) Park and ride lots.

(P) Realignment of roads, subject to the following limitations and the approval criteria in MCC 39.7015 and MCC 39.7020:

(1) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment.

(2) The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan.

(Q) New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway, subject to the following limitations and the approval criteria in MCC 39.7015 and MCC 39.7020:

(1) The roads shall be limited to two travel lanes.

(2) Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(R) Transportation facilities, services and improvements that serve local travel needs, and which:

(1) Are not otherwise listed as a use in this EFU base zone or in OAR 660-012-0065 "Transportation Improvements on Rural Lands;" and

(2) Satisfy the approval criteria in MCC 39.7015 and MCC 39.7020:

(S) Rural schools as provided in this subsection. "Rural schools" means 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. Establishment and expansion of rural schools shall meet the requirements for approval of Community Service Uses in MCC 39.7500 – 39.7525 in lieu of the Conditional Use Provisions of MCC 39.7030 – 39.7035 and, if located within three miles of an urban growth boundary, the additional requirements set forth in MCC 39.4235.

(1) New rural schools may be established and existing rural schools may be expanded on land not identified as high-value farmland.

(2) Existing rural schools located on high-value farmland wholly within the EFU base zone may be expanded on the same tract.

(T) Notwithstanding the authority in MCC 39.8300 – 39.8315 to expand a nonconforming use, but in addition and not in lieu of the authority therein to continue, alter, restore or replace a nonconforming use, schools located in an EFU base zone that are no longer allowed under ORS 215.283 (1)(a), as in effect before January 1, 2010, but were established on or before January 1, 2009, and are not rural schools as defined in MCC 39.4230 (S) may be expanded only if:

(1) The expansion meets the requirements for approval of Community Service Uses in MCC 39.7500 – 39.7525 in lieu of the Conditional Use Provisions of MCC 39.7030 – 39.7035 and, if located within three miles of an urban growth boundary, the requirements set forth in MCC 39.4235;

(2) The expansion occurs on the tax lot on which the use was established prior to January 1, 2009, or a tax lot contiguous thereto that was owned by the applicant on January 1, 2009.

(U) A commercial photovoltaic solar power generation facility may be allowed when:

(1) All lots and parcels involved in the tract are Lots of Record pursuant to MCC 39.3070.

(2) A photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise.

For purposes of applying the acreage standards above, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership, on lands with less than 1320-feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership regardless of the operating business structure.

(3) Will not force a significant change in accepted farm or forest practices or surrounding lands devoted to farm or forest use; and

(4) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(5) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject tract not occupied by project components.

(6) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property.

(7) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production.

(8) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species.

(9) The project is not located on high-value farmland soils unless it can be demonstrated that:

(a) Non high-value farmland soils are not available on the subject tract;

(b) Siting the project on non-high-value farmland soils present on the subject tract would significantly reduce the projects ability to operate successfully; or

(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils; and

(10) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(a) If fewer than 48-acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(b) When at least 48-acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the approval authority must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photo-voltaic

solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

§ 39.4235 [33.2640] LIMITATIONS TO THE DESIGN CAPACITY OF STRUCTURES

(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) Any enclosed structure or group of enclosed structures described in subsection (A) within a tract that existed on November 12, 2011 (effective date of Ord. 1186) must be separated from other enclosed structures by at least one-half mile.

(C) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this section.

§ 39.4240 [33.2655] SINGLE FAMILY DWELLINGS CONDITION OF APPROVAL - PROHIBITION ON CLAIMS ALLEGING INJURY FROM FARM OR FOREST PRACTICES

As a condition of approval of a single family dwelling, the landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

§ 39.4245 [33.2660] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(A) Except as provided in MCC 39.3070, the minimum lot size for new parcels shall be 80 acres in the EFU base zone.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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.

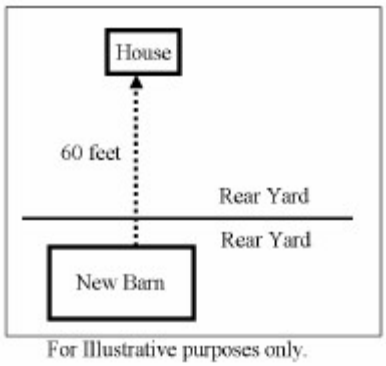
(F) In the West of Sandy River Rural Plan Area, on-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.

(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. 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.

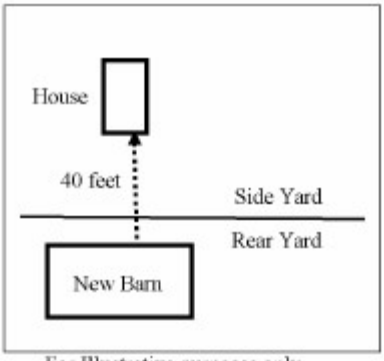
(G) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

(1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For Illustrative purposes only.

(2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



For Illustrative purposes only.

(3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

(H) All exterior lighting shall comply with MCC 39.6850.

§ 39.4250 [33.2665] EXCEPTIONS TO LOT SIZE FOR SPECIFIC USES

(A) Lots less than the minimum lot size specified in MCC 39.4245 (A) may be created for uses listed in MCC 39.4220(V), MCC 39.4230(C) and (E) based upon:

(1) The parcel for the nonfarm use is not larger than the minimum size necessary for the use;

(2) The nature of the proposed use in relation to its impact on nearby properties; and

(3) Consideration of the purposes of this base zone.

(B) Except as otherwise provided by MCC 39.3070, no sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this base zone.

§ 39.4255 [33.2670] LOT LINE ADJUSTMENT; PROPERTY LINE ADJUSTMENT

(A) Pursuant to the applicable provisions in MCC 39.9300, an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) 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; and

(b) If the properties abut a street, the required access requirements of MCC 39.4260 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) Retain the same lot area that existed prior to the exchange.

§ 39.4260 [33.2690] ACCESS

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3070(C).

§ 39.4265 STANDARDS FOR SPECIFIED FARM DWELLINGS

(A) **Farm Help Dwelling**: A farm help dwelling for a relative on real property used for farm use as provided in MCC 39.4225(B) is not allowed unless the dwelling is:

(1) Located on the same lot or parcel as the dwelling of the farm operator; and is

(2) Occupied by a relative of the farm operator or the farm operator's spouse, if the farm operator does or will require the assistance of the relative in the management of the farm use. Qualifying relatives include, the spouses in a marriage, son, daughter, parent, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, parent-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(3) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size requirements of MCC 39.4245, if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new

parcel, pursuant to OAR 660-033-0130(9)(b)&(c). However, pursuant to MCC 39.3070(D), the area of land with the homesite created by the foreclosure shall not be deemed a Lot of Record, and shall be subject to all restrictions on development associated with that designation.

(B) **Customary Farm Dwelling**: A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use as provided in MCC 39.4225(C) is not allowed unless the following standards are met:

(1) High-value farmland soils, $80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least $80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years, or the average farm income earned on the tract in the best three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

2. Only gross income from land owned, not leased or rented, shall be counted; and

3. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

4. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements.

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The Planning Director shall maintain a copy of the covenants, conditions and restrictions that have been filed in the county deed records pursuant to this subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(2) Not high-value farmland soils, 160 acres. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The parcel on which the dwelling will be located is at least 160 acres; and

(b) The subject tract is currently employed for farm use, as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(d) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract.

(3) Not high-value farmland soils, capable of producing the median level of annual gross sales. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract [the median size of commercial farm and ranch tracts shall be determined pursuant to OAR 660-33-135(3)]; and

(b) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this section; and

(c) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this section; and

(d) The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and

(e) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

(f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section.

(4) Not high-value farmland soils, $40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years, three of the last five years, or the average farm income earned on the tract in the best three of the last five years, or the lower of the following:

1. At least $40,000 in gross annual income from the sale of farm products; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; and

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(d) In determining the gross income required by subsection (a) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation; and

2. Only costs and sale prices of livestock that are within a reasonable range of prevailing costs and sale prices in the Oregon and Washington region shall be counted in the determination of gross income.

This may be done by comparing actual sales documents to such published livestock value sources as made available by the Oregon Agricultural Statistics Services or the Oregon State Extension Service; and

3. Only gross income from land owned, not leased or rented, shall be counted; and

4. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and

5. For the purposes of this subsection, lots or parcels zoned for farm use in Multnomah County or contiguous counties may be used to meet the gross income requirements; and

(e) Prior to the final approval for a dwelling, the applicant shall provide evidence that the covenants, conditions and restrictions form referred to as "Exhibit A" in OAR 660-033-0135(9) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling.

1. The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215.

2. The covenants, conditions and restrictions shall preclude the use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Oregon Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

6. The Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(5) Commercial dairy farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

(a) The subject tract will be employed as a commercial dairy operation that owns a sufficient number of producing dairy animals capable of earning the following from the sale of fluid milk:

1. On land not identified as high-value farmland, at least $40,000 in gross annual income or the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

2. On land identified as high-value farmland, at least $80,000 in gross annual income; and

(b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

(c) Except as permitted by 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

(e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(f) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and has approved a Producer License for the sale of dairy products under ORS 621.072.

(g) "Commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk.

(6) Move to a new farm. A dwelling may be considered customarily provided in conjunction with farm use if:

(a) Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in at least three of the last five years, in each of the last two years, or the average farm income earned on the tract in the best three of the last five years:

1. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products; and

(b) The subject lot or parcel on which the dwelling will be located is a minimum lot size of 80 acres and is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years:

1. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or

2. On land not identified as high-value farmland, the gross annual income of at least the midpoint of the median income range of gross annual sales for farms in Multnomah County with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

3. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products; and

(c) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (seasonal farmworker housing), there is no other dwelling on the subject tract; and

(d) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection; and

(e) In determining the gross income required by subsections (a) and (b) of this subsection:

1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

2. Only gross income from land owned, not leased or rented, shall be counted.

(C) **Accessory farm dwellings**, which includes all types of residential structures allowed by the applicable state building code, customarily provided in conjunction with farm use as provided in MCC 39.4225(D) are not allowed unless each accessory farm dwelling meets all of the following standards:

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(2) The accessory farm dwelling shall be located:

(a) On the same lot or parcel as the primary farm dwelling; or

(b) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the primary farm dwelling is not located, when:

1. The accessory farm dwelling is limited to only a manufactured dwelling; and

2. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party; and

3. The manufactured dwelling may remain if it is reapproved; or

(d) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as such farm labor housing may exist on the farm or ranch operation that is registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under this subparagraph shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in area and the lot or parcel complies with the applicable gross farm income requirements in MCC 39.4265(C)(4) below; and

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

and

(4) In addition to the requirements in (1) through (3) in this section, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(a) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS

215.203, and produced in the last two years or three of the last five years, or the average farm income earned on the tract in the best three of the last five years the lower of the following:

1. At least $40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(b) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least $80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years or the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(c) It is located on a commercial dairy farm as defined by OAR 660-033-0135(11); and

1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and

3. A Producer License for the sale of dairy products under ORS 621.072 has been obtained.

(5) The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of MCC 39.4265 (B), a parcel may be created consistent with the minimum parcel size requirements in MCC 39.4245.

(D) **Heritage Tract Dwelling**: Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land not identified as high-value farmland when:

(1) The lot or parcel on which the dwelling will be sited meets the following requirements:

(a) A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and

(b) The lot or parcel satisfies all applicable laws when the lot or parcel was created; and

(c) The lot or parcel was acquired and owned continuously by the present owner:

1. Since prior to January 1, 1985; or

2. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985; and

(2) The tract on which the dwelling will be sited does not include a dwelling; and

(3) The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, land use regulations, and other provisions of law; and

(4) The lot or parcel on which the dwelling will be sited does not lie within an area designated by the Comprehensive Plan as a Big Game habitat area; and

(5) The lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single parcel when the dwelling is allowed; and

(6) The County Assessor shall be notified when the permit is approved.

(7) Approval of the dwelling would not:

(a) Exceed the facilities and service capabilities of the area; and

(b) Materially alter the stability of the overall land use pattern of the area; and

(c) Create conditions or circumstances that are found to be contrary to the purpose or intent of the Comprehensive Plan or this Chapter.

(8) For purposes of this subsection, and of dwellings considered under MCC 39.4230 (L) and (M), the following definitions apply:

(a) Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

Therefore, if the lot, parcel or tract does not qualify for a dwelling under the Heritage Tract Dwelling standards, any reconfiguration after November 4, 1993 cannot in any way enable the tract to meet the approval criteria for a new dwelling.

4.B – Non-Resource Residential Base Zones (Exception Lands):

4.B.1 – Multiple Use Agriculture-20 (MUA-20)

MULTIPLE USE AGRICULTURE MUA-20

§ 39.4300 [33.2800]- PURPOSE

The purposes of the Multiple Use Agriculture base zone are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the agricultural uses, natural resource base, the character of the area and the applicable County policies.

§ 39. 4302 [33.2805] AREA AFFECTED

MCC 39.4300 to 39.4345 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

§ 39.4305 [33.2815] USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4310 through 39.4320 when found to comply with MCC 39.4325 through 39.4345 provided such uses occur on a Lot of Record.

§ 39.4310 [33.2820] ALLOWED USES

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

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

(B) Farm uses, 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 39.4320(B).

(C) The propagation or harvesting of forest products.

(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 MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental u nit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(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.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4315 [33.2825] REVIEW USES

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter.

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(B) Wholesale or retail sales of farm or forest products raised or grown on the premises or of farm crops or livestock from other farm operations located in Multnomah County or in adjacent counties of Oregon or Washington bordering on Multnomah County, 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.

(C) Property Line Adjustment pursuant to the provisions of MCC 39.4330.

(D) 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.

(E) Lots of Exception pursuant to the provisions of MCC 39.4330.

(F) Wireless communication facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(G) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(H) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4310 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(I) A Type B home occupation when approved pursuant to MCC 39.8850.

(J) In the West of Sandy River Rural Plan Area, a State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in MCC 39.8000 through 39.8050, and any other applicable zoning code requirements. Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

§ 39.4320 [33.2830] CONDITIONAL USES

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

(A) Community Service Uses listed in MCC 39.7520 pursuant to the provisions of MCC 39.7500 through MCC 39.7810;

(B) The following Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(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 39.5300 through MCC 39.5350 and the applicable current "planned unit development" standards within the Oregon Administrative Rules Chapter 660, Division 004;

(2) Except for in the West of Sandy River Rural Plan Area, the following uses pursuant to the provisions of MCC 39.7000 through 39.7020:

(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 39.7400 through 39.7410.

(E) Large Fills as provided for in MCC 39.7200 through 39.7220.

§ 39.4325 [33.2855] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

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

(A) Except as provided in MCC 39.3080, 39.4330, 39.4335 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be 20 acres.

(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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

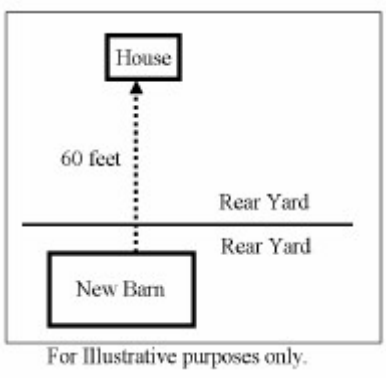
(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

(1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



(2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



(3) Placement of an agricultural related structure under these provisions in (F) does not change the minimum yard requirements for future dwellings on adjacent property.

(G) 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 lot.

(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. 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.

(H) 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.

(I) 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 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.

(J) Required parking, and yard areas shall be provided on the same Lot of Record as the development being served.

(K) 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 39.6210 through 39.6235.

(L) All exterior lighting shall comply with MCC 39.6850.

§ 39.4330 [33.2860] LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS

(A) Lots of Exception

An exception to permit creation of a parcel of less than 20 acres, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 39.4325(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 39.9300, 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 39.4345 are met after the relocation of the common property line; and

(2) One of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 20 acres prior to the adjustment and remains 20 acres or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 40 acres in area prior to the adjustment and remains less than 40 acres in area after the adjustment.

§ 39.4335 [33.2875] LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4320, except subsection (C)(1) 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;

(C) Consideration of the purposes of this base zone; and

(D) A finding that the lot or parcel is at least two acres in area and in the West of Sandy River Rural Plan Area, if a lot or parcel is created to support a conditional use, a finding that the remainder parcel is not less than five acres.

§ 39.4340 [33.2880] OFF-STREET PARKING AND LOADING

Off-Street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4345 [33.2885] ACCESS

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3080(B).

4.B.2 – Rural Residential (RR)

§ 39.4350 [33.3100]- PURPOSE

The purposes of the Rural Residential base zone are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.

§ 39.4352 [33.3105] AREA AFFECTED

MCC 39.4350 through 39.4395 shall apply to those lands designed RR on the Multnomah County Zoning Map.

§ 39.4355 [33.3115] USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4360 through 39.4370 when found to comply with MCC 39.4375 through 39.4395 provided such uses occur on a Lot of Record.

§ 39.4360 [36.3120] ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

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

(B) 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 39.4370 (B).

(C) The propagation or harvesting of forest products.

(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 MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental u nit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(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.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is

measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4365 [36.3125] REVIEW USES.

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

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(B) 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 the provisions of MCC 39.1160.

(C) Property Line Adjustment pursuant to the provisions of MCC 39.4380.

(D) 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.

(E) Wireless communications facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(F) In the West of Sandy River Planning area only, a State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in MCC 39.8000 through 39.8050, and any other applicable zoning code requirements. Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(G) Lots of Exception pursuant to the provisions of MCC 39.4380.

(H) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4360 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(J) A Type B home occupation when approved pursuant to MCC 39.8850.

§ 39.4370 [33.3130] CONDITIONAL USES

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

(A) Community Service Uses under the provisions of MCC 39.7500 through 39.7810;

(B) The following Conditional Uses under the provisions of Part 7 of this Chapter:

(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 39.5300 through 39.5350 and the applicable current "planned unit development" standards within the Oregon Administrative Rules Chapter 660, Division 004;

(9) Except for in the West of Sandy River Planning Area, cottage industries, under the provisions of MCC 39.7000 through 39.7020.

(10) Except for in the West of Sandy River Planning Area, 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 39.7400 through 39.7410.

(D) Large Fills as provided for in MCC 39.7200 through 39.7220.

§ 39.4375 [33.3155] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(A) Except as provided in MCC 39.3090, 39.4380, 39.4385 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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) In the West of Sandy River Rural Plan Area, on-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the lot.

(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. 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 39.6210 through 39.6235.

(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 base zone; or

(2) Where the farm use does not occur on land in the EFU base zone, the owner shall record a covenant that states they recognize and accept that farm activities including

tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

(I) All exterior lighting shall comply with MCC 39.6850.

§ 39.4380 [33.3160] LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS

(A) Lots of Exception

An exception to permit creation of a parcel of less than five acres, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 39.4375(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 39.9300, 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 39.4395 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 5 acres prior to the adjustment and remains 5 acres or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 10 acres in area prior to the adjustment and remains less than 10 acres in area after the adjustment.

§ 39.4385 [33.3175] LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to MCC 39.4370, except (B) (8) thereof, shall be based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to the impacts on nearby properties; and

(C) Consideration of the purposes of this base zone; and

(D) A finding that the lot or parcel is at least two acres in area and in the West of Sandy River Rural Plan Area, if a lot or parcel is created to support a conditional use, a finding that the remainder parcel is not less than five acres.

§ 39.4390 [33.3180] OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4395 [33.3185] ACCESS

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3090(B).

4.C – Rural Center and Commercial-Industrial Base Zones.

4.C.1 – Rural Center

§ 39.4400 [34.3300]- PURPOSE

The purposes of the Rural Center base zone are 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.

§ 39.4402 [34.3305] AREA AFFECTED

MCC 39.4400 through 39.4445 shall apply to those lands designated RC on the Multnomah County Zoning Map.

§ 39.4405 [34.3315] USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4410 through 39.4420 when found to comply with MCC 39.4425 through 39.4445 provided such uses occur on a Lot of Record.

§ 39.4410 [34.3320] ALLOWED USES

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(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 39.4420. 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 on a Lot of Record.

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

(E) Type A home occupations pursuant to MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental u nit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(I) Transportation facilities and improvements that serve local and farm to market travel needs or are part of the adopted Multnomah County Functional Classification of Trafficways map and plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

(J) Signs, as provided in this chapter.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4415 [34.3325] REVIEW USES

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(B) 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 Planning Director may be appealed to the approval authority pursuant to MCC 39.1160.

(C) Off-street parking and loading;

(D) Property Line Adjustment pursuant to the provisions of MCC 39.4430.

(E) 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.

(F) Lots of Exception pursuant to the provisions of MCC 39.4430.

(G) Wireless communication facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(H) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4410 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(J) A Type B home occupation when approved pursuant to MCC 39.8850.

§ 39.4420 [34.3330] 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 39.7500 through 39.7810.

(B) The following Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(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, 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 39.5300 through 39.5350. 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 light industrial uses permitted by MCC 39.4420(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 applicable Comprehensive Plan Policies;.

-(4) The proposed expansion satisfies the Design Review provisions of MCC 39.8000 through 39.8050.

(E) Type C home occupation as provided for in MCC 39.7400 through 39.7410.

(F) Large Fills as provided for in MCC 39.7200 through 39.7220.

§ 39.4425 [34.3355] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(A) Except as provided in MCC 39.3100, 39.4430, 39.4435 and 39.5300 through 39.5350, 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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) All exterior lighting shall comply with MCC 39.6850.

§ 39.4430 [34.3360] 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 39.4425(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 39.9300, 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 39.4445 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.

§ 39.4435 [34.3375] LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4420, except subsection (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 base zone.

§ 39.4440 [34.3380] OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4445 [34.3385] ACCESS

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and

passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3100(B).

4.C.2 – Burlington Rural Center (BRC)

§ 39.4450 [33.3300]- PURPOSE

The purposes of the Burlington Rural Center base zone 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.

§ 39.4452 [33.3305] AREA AFFECTED

MCC 39.4450 through 39.4495 shall apply to those lands designated BRC on the Multnomah County Zoning Map.

§ 39.4455 [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 base zone except for the uses listed in MCC 39.4460 through 39.4470 when found to comply with MCC 39.4475 through 39.4495 provided such uses occur on a Lot of Record.

§ 39.4460 [33.3320] ALLOWED USES

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(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 39.4470 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 on a Lot of Record.

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

(E) Type A home occupations pursuant to MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental u nit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(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.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4465 [33.3325] REVIEW USES

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(B) 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 Planning Director may be appealed to the approval authority pursuant to MCC 39.1160.

(C) Off-street parking and loading;

(D) Property Line Adjustment pursuant to the provisions of MCC 39.4480.

(E) 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.

(F) Lots of Exception pursuant to the provisions of MCC 39.4480.

(G) Wireless communication facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(H) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4460 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(J) A Type B home occupation when approved pursuant to MCC 39.8850.

§ 39.4470 [33.3330] CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 39.2000.

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of Part 7 of this Chapter.

(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) Hair salon,

(j) Electronic media rental (i.e. DVD),

(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) Commercial processing of agricultural or forestry products primarily grown in the vicinity.

(C) Existing legally established small-scale low impact industrial uses 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 applicable Comprehensive Plan Policies:

-(4) The proposed expansion satisfies the Design Review provisions of MCC 39.8000 through 39.8050.

(D) Type C home occupation as provided for in MCC 39.7400 through 39.7410.

§ 39.4475 [33.3355] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(A) Except as provided in MCC 39.3110, 39.4480, 39.4485 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be two acres.

(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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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 39.6210 through 39.6235.

(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.

(I) All exterior lighting shall comply with MCC 39.6850.

§ 39.4480 [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 39.4475(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 39.9300, 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 39.4495 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.

§ 39.4485 [33.3375] LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4470, except subsection (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 base zone.

§ 39.4490 [33.3380] OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600 except as identified below for Review Uses and Conditional Uses.

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

(A) Surfacing:

(1) All areas used for parking, loading or maneuvering of vehicles, including the driveway, shall either be hard surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement or other material providing a durable and dustless surface, or shall be surfaced with a gravel mix, wherein the fine particles are removed at the production yard, that provides a durable and dustless surface,

unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

(2) Approaches to paved 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.

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

(C) 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 MCC 39.6500 through 39.6600.

§ 39.4495 [33.3385] ACCESS

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a preexisting lot and parcel that constitutes a Lot of Record described in MCC 39.3110(B).

4.C.3 – Pleasant Home Rural Center (PH-RC)

§ 39.4500 [36.3300]- PURPOSE.

The purposes of the Pleasant Home Rural Center base zone 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.

§ 39.4502 [36.3305] AREA AFFECTED.

MCC 39.4500 through 39.4545 shall apply to those lands designated PH-RC on the Multnomah County Zoning Map.

§ 39.4505 [36.3315] USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4510 through 39.4520 when found to comply with MCC 39.4525 through 39.4545 provided such uses occur on a Lot of Record.

§ 39.4510 [36.3320] ALLOWED USES

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(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 39.4520. 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 on a Lot of Record.

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

(E) Type A home occupations pursuant to MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(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.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4515 [36.3325] REVIEW USES.

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(B) 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 Planning Director may be appealed to the approval authority pursuant to the provisions of MCC 39.1160.

(C) Off-street parking and loading;

(D) Property Line Adjustment pursuant to the provisions of MCC 39.4530.

(E) 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.

(F) Lots of Exception pursuant to the provisions of MCC 39.4530.

(G) Wireless communications facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(H) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4510 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(J) A Type B home occupation when approved pursuant to MCC 39.8850

(K) Type C home occupation as provided for in MCC 39.7400 through 39.7410 and subject to Design Review.

§ 39.4520 [36.3330] CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable approval criteria and ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 39.2000.

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.6810.

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(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 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) Freight trucking terminal, with or without maintenance facility;

(4) Wholesale trade;

(5) Automotive repair;

(6) Commercial or industrial uses allowable in the EFU base zone or any CFU base zone, 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.

(7) Planned Developments pursuant to the provisions of MCC 39.5300 through 39.5350.

§ 39.4525 [36.3355] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

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

(A) Except as provided in MCC 39.3120, 39.4530, 39.4535 and 39.5300 through 39.5350, the minimum lot size shall be one acre.

(B) 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(C) 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.

(D) 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.

(E) 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 lot.

(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. 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.

(F) 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 39.6210 through 39.6235.

(G) 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 record a covenant that states they recognize and accept that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the general area.

(I) All exterior lighting shall comply with MCC 39.6850.

§ 39.4530 [36.3360] 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 39.4525(B) through (D). 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 39.9300, 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 39.4545 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.

§ 39.4535 [36.3375] LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4520, except for Planned Developments in subsection (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 base zone.

§ 39.4540 [36.3380] OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4545 [36.3385] ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3120(B).

4.C.4 – Springdale Rural Center (SRC)

§ 39.4550 [35.3300]- PURPOSE

The purposes of the Springdale Rural Center base zone 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.

§ 39.4552 [35.3305] AREA AFFECTED

MCC 39.4550 through 39.4595 shall apply to those lands designated SRC on the Multnomah County Zoning Map.

§ 39.4555 [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 base zone except for the uses listed in MCC 39.4560

through 39.4570 when found to comply with MCC 39.4575 through 39.4595 provided such uses occur on a Lot of Record.

§ 39.4560 [35.3320] ALLOWED USES

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(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 39.4570. 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 on a Lot of Record.

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

(E) Type A home occupations pursuant MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental u nit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(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.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4565 [35.3325] REVIEW USES

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(B) 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 Planning Director may be appealed to the approval authority pursuant to MCC 39.1160.

(C) Off-street parking and loading;

(D) Property Line Adjustment pursuant to the provisions of MCC 39.4580.

(E) 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.

(F) Lots of Exception pursuant to the provisions of MCC 39.4580.

(G) Wireless communication facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(H) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4560 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(J) A Type B home occupation when approved pursuant to MCC 39.8850.

§ 39.4570 [35.3330] CONDITIONAL USES

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 39.2000.

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(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 hair salon,

(j) Electronic media rental (i.e. DVD, electronic games),

(2) The following industrial uses conducted within an enclosed building that entails 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) Commercial or industrial uses allowable in the EFU base zone or any CFU base zone, 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.

(C) Existing legally established small-scale low impact industrial uses 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 applicable Comprehensive Plan Policies:

-(4) The proposed expansion satisfies the Design Review provisions of MCC 39.8000 through 39.8050.

(D) Type C home occupation as provided for in MCC 39.7400 through 39.7410.

§ 39.4575 [35.3355] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(A) Except as provided in MCC 39.3110, 39.4580, 39.4585 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be one acre.

(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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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 39.6210 through 39.6235.

(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 record a covenant that states they recognize 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.

(J) All exterior lighting shall comply with MCC 39.6850.

§ 39.4580 [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 39.4575(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 39.9300, 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 39.4595 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.

§ 39.4585 [35.3375] LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4570, except subsection (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 base zone.

§ 39.4590 [35.3380] OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600 except as identified below for Review Uses and Conditional Uses.

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

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles, including the driveway, shall either be hard surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement or other material providing a durable and dustless surface or shall be surfaced with a gravel mix, wherein the fine particles are removed at the production yard, that provides a durable and dustless surface, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

(2) 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.

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

(C) 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.

§ 39.4595 [35.3385] ACCESS

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3110(B).

4.C.5 – Orient Rural Center Residential (OR)

§ 39.4600 [36.3400] PURPOSE.

The purposes of the Orient Rural Center Residential base zone are to provide standards and review procedures which will encourage concentrations of residential development for people who want to live in a rural setting close to small-scale, low impact commercial and industrial services, to provide for home occupations and marketing of home-grown products, and to provide standards for land use and development consistent with the desired rural character and capability of the land and natural resources.

§ 39.4602 [36.3405] AREA AFFECTED.

MCC 39.4600 through 39.4645 shall apply to those lands designated OR on the Multnomah County Zoning Map.

§ 39.4605 [36.3415] USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4610 through 39.4620 when found to comply with MCC 39.4625 through 39.4645 provided such uses occur on a Lot of Record.

§ 39.4610 [36.3420] ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) A single-family detached dwelling on a Lot of Record.

(B) 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 39.4620. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.

(C) Propagation or harvesting of forest products.

(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 MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental u nit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(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.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4615 [36.3425] REVIEW USES.

Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 39.1100 through 39.1240.

(A) 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 Planning Director may be appealed to the approval authority pursuant to the provisions of MCC 39.1160.

(B) Property Line Adjustment pursuant to the provisions of MCC 39.4630.

(C) 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.

(D) Type B home occupation pursuant to MCC 39.8850.

(E) Wireless communications facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(F) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(G) Lots of Exception pursuant to the provisions of MCC 39.4630.

(H) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4610 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(J) Type C home occupation pursuant to MCC 39.7400 through 39.7410 and subject to Design Review.

§ 39.4620 [36.3430] CONDITIONAL USES.

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

(A) Planned Developments pursuant to the provisions of MCC 39.5300 through 39.5350. 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.

(B) The following Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7525:

(1) Public school;

(2) Fire station;

(3) Power substation or other public utility building or use.

(4) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the approval criteria in MCC 39.7515(A) through (H). Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

§39.4625 [36.3455] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

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

(A) Except as provided in MCC 39.3120, 39.4630, and 39.4635, and 39.5300 through 39.5350, the minimum lot size shall be one acre.

(B) 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(C) 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.

(D) 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.

(E) 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 lot.

(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. 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.

(F) 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 39.6210 through 39.6235.

(G) 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 record a covenant that states they recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the area.

(I) All exterior lighting shall comply with MCC 39.6850.

§ 39.4630 [36.3460] 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 39.4625 (B) through (D). 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 39.9300, 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 39.4645 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.

§ 39.4635 [36.3475] LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4620, except subsection (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 base zone.

§ 39.4640 [36.3480] OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4645 [36.3485] ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3120(B).

4.C.6 – Orient Commercial-Industrial (OCI)

§ 39.4650 [36.3500]- PURPOSE.

The purpose of the Orient Commercial-Industrial base zone is to provide for small-scale low-impact commercial and industrial uses that primarily serve the population of the immediate Rural Community area, and the immediate surrounding rural area as well as tourists traveling through the area. The uses allowed within the zone should reinforce the rural nature of the area and not adversely impact agricultural uses in the area.

§ 39.4652 [36.3505] AREA AFFECTED.

MCC 39.4650 through 39.4695 shall apply to those lands designated OCI on the Multnomah County Zoning Map.

§ 39.4655 [36.3515] USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4660 through 39.4675 when found to comply with MCC 39.4680 through 39.4695 provided such uses occur on a Lot of Record.

§ 39.4660 [36.3520] ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) Single-family detached dwelling.

(B) 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 39.4665 and 39.4675. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feedlot.

(C) Propagation or harvesting of forest products.

(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 MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(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 associated changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) Similar structures.

(2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental u nit, sleeping quarters or any other residential use.

(3) The Accessory Structure may contain one sink.

(4) The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 39.8860 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.63900.

(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.

(K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:

(1) All systems shall meet the following requirements:

(a) The system is an accessory alternative energy system as defined in MCC 39.2000;

(b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is

measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

§ 39.4665 [36.3525] REVIEW USES.

The commercial and industrial uses listed in this section may be permitted when found to meet the approval criteria in MCC 39.4670 unless other approval criteria are listed for the use, and are subject to Design Review approval. Uses in this section shall be processed as Type II decisions pursuant to MCC 39.1100 through 39.1240.

(A) Small-scale low impact rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses including the uses listed below.

(1) Automobile Repair,

(2) Restaurant,

(3) Tavern,

(4) Professional Office,

(5) Garden supply store,

(6) Hardware store,

(7) Retail bakery,

(8) Service station,

(9) Beauty and barber shop,

(10) Video tape rental,

(B) The small-scale low impact industrial uses listed below.

(1) 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.

(2) Freight trucking terminal, with or without maintenance facility;

(3) Wholesale trade; or

(4) Automotive repair.

(C) Commercial or industrial uses allowable in the EFU base zones or any CFU base zone, and agricultural support services. These uses shall not be subject to the small-scale low impact requirement that defines the commercial or industrial uses in (A) and (B) above.

(D) 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. This use shall not be subject to the Review Uses approval criteria in MCC 39.4670 or Design Review.

(E) Wireless communications facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765. This use shall not be subject to the Review Uses approval criteria in MCC 39.4670 below.

(F) Commercial or industrial uses that exceeded the size limit for small-scale low impact uses on January 1, 2003, and that primarily support the needs of the rural area, shall not be subject to the size limit, except that expansion may not exceed 25% of the floor area of buildings that existed on that date.

(G) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(H) Property Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4682.

(I) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the "accessory structures" standard in MCC 39.4660 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

§ 39.4670 [36.3527] REVIEW USES APPROVAL CRITERIA.

(A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulation; and

(C) The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services; and

(D) The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.

(E) The proposed use will primarily support the needs of residents of the rural area or tourists visiting the area.

§ 39.4675 [36.3530] CONDITIONAL USES.

(A) The community service uses listed in MCC 39.7520, subject to the provisions of 39.7500 through 39.7525; and

(B) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan.

Development of the trail and accessory facilities shall be subject to the approval criteria in 39.7515(A) through (H). Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

§ 39.4680 [36.3550] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

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

(A) Except as provided in MCC 39.3120, 39.4682, and 39.4685, the minimum lot size shall be one acre.

(B) 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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(C) 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.

(D) 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.

(E) 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 lot.

(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. 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.

(F) 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 39.6210 through 39.6235.

(G) 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 record a covenant that states they recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the area.

(I) All exterior lighting shall comply with MCC 39.6850.

§ 39.4682 [36.3560] PROPERTY LINE ADJUSTMENTS.

(A) Pursuant to the applicable provisions in MCC 39.9300, 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 39.4695 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.

§ 39.4685 [36.3575] LOT SIZES FOR CONDITIONAL AND REVIEW USES.

The minimum lot size for the uses listed in MCC 39.4665 and 39.4675 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.

(C) Consideration of the purposes of the base zone.

§ 39.4690 [36.3580] OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4695 [36.3585] ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lots of Record described in MCC 39.3120(B).

4.D – Urban Base Zones.

4.D.1 – Multiple Use Forest (MUF)

§ 39.4700 [11.15.2162] Purposes

The purposes of the Multiple Use Forest base zone are to conserve and encourage the use of suitable lands for the growing and harvesting of timber and small wood lot management; to provide for agricultural uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses and scenic values; to provide standards for residential and other uses, including local and tourist commercial services which are compatible with forest and agricultural uses; to assure public and private recreation opportunities and to minimize potential hazards from fire, pollution, erosion and urban development.

§ 39.4701 [11.15.2164] Area Affected

MCC 39.4700 through MCC 39.4732 shall apply to those lands designated MUF-38 and MUF-19 on the Multnomah County Zoning Map.

§ 39.4702 [11.15.2166] Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4705 through 39.4715 provided such uses occur on a Lot of Record.

§ 39.4705 [11.15.2168] Primary Uses

(A) Forest practices associated with the production, management and harvesting of timber;

(B) Wood processing operations, such as:

(1) Pole and piling preparation;

(2) Portable sawmill for lumber cutting only;

(3) Wood chipping;

(4) Manufacture of fence posts; and

(5) Cutting firewood and similar miscellaneous products.

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

(1) Raising and harvesting crops;

(2) Raising of livestock or honeybees; or

(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 39.4710(B).

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

(E) Residential use consisting of a single-family dwelling including a mobile or modular home, on a lot of 38 acres or more, subject to the residential use development standards of MCC 39.4732.

(F) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

§ 39.4707 [11.15.2170] Uses Permitted Under Prescribed Conditions

(A) Residential use, in conjunction with a primary use listed in MCC 39.4705 consisting of a single-family dwelling, including a mobile or modular home, subject to the following:

(1) The lot size shall meet the standards of MCC 39.4717(A) or MCC 39.3150(A) to (C), but shall not be less than ten acres.

(2) A resource management program for at least 75% of the productive land of the lot, as described in MCC 39.4710(D)(2)(a) consisting of:

(a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use;

(b) A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, considering accepted farming practice;

(c) A resource management plan for a primary use listed in MCC 39.4705, based upon income, investment or similar records of the management of that resource on the property as a separate management unit for at least two of the preceding three years;

(d) A fish, wildlife or other natural resource conservation management plan certified by the Oregon State Fish and Wildlife Department or by a person or group having similar resource conservation expertise, to be suited to the lot and to nearby uses;

(e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land designation under ORS Chapter 321.257, a Reforestation deferral under ORS Chapter 321.257, or participation in a current forestry improvement program of the U.S. Agricultural Stabilization and Conservation Service; or

(f) A cooperative or lease agreement with a commercial timber company, or other person or group engaged in commercial timber operations, for the timber management of at least 75% of the productive timberland of the property. Productive timberland is that portion of the property capable of growing 50 cubic feet/acre/year.

(3) The dwelling will not require public services beyond those existing or programmed for the area;

(4) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and

(5) The residential use development standards of MCC 39.4732.

(B) 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 Director may be appealed to the Hearings Officer pursuant to MCC 39.1160.

(C) 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.

§ 39.4710 [11.15.2172] Conditional Uses

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

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810.

(B) The following Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(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 forest products, primarily grown in the region, other than as specified in MCC 39.4705(B);

(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; and

(7) Commercial dog kennels.

(8) The following Conditional Uses may be permitted upon findings in addition to those required in Part 7 of this Chapter that:

(a) The capability of the land for resource production is maintained;

(b) The use will neither create nor be affected by any hazards; and

(c) Access for fire protection of timber is assured:

1. Cottage Industries;

2. Limited rural service commercial uses, such as local stores, shops, offices, repair services and similar use; and

3. Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.

(C) Residential use, not in conjunction with a primary use listed in MCC 39.4705, consisting of a single-family dwelling, including a mobile or modular home, subject to the following findings:

(1) The lot size shall meet the standards of MCC 39.4717(A), 39.4720(A) to (C), or 39.3150(A) to (C);

(2) The land is incapable of sustaining a farm or forest use, based upon one of the following:

(a) A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area,

(b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusion, or

(c) The lot is a Lot of Record under MCC 39.3150(A) through (C), and is ten acres or less in size;

(3) A dwelling as proposed is compatible with the primary uses as listed in MCC 39.4705 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area;

(4) The dwelling will not require public services beyond those existing or programmed for the area;

(5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and

(6) The residential use development standards of MCC 39.4732 will be met.

(D) Mortgage Lot: Residential use consisting of a single-family dwelling in conjunction with a primary use listed in MCC 39.4705, located on a mortgage lot created after August 14, 1980, subject to the following:

(1) The minimum lot size for the mortgage lot shall be two acres;

(2) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.

(3) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.

§ 39.4712 [11.15.2174] Accessory Uses

(A) Signs, pursuant to the provisions of MCC 39.6700 through 39.6820.

(B) Off-street parking and loading;

(C) Home occupations; and

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this base zone.

§ 39.4715 [11.15.2176] Temporary Uses

Temporary uses may be permitted when approved pursuant to MCC 39.8700 and 39.8750.

§ 39.4717 [11.15.2178] Dimensional Requirements and Development Standards

(A) Except as provided in MCC 39.3150, 39.4720, 39.4722 and 39.5300 through 39.5350, the minimum lot size shall be according to the base zone designation on the Zoning Map, as follows:

MUF-38.....38 acres

MUF-19.....19 acres

(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 Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(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) All exterior lighting shall comply with MCC 39.6850.

§ 39.4720 [11.15.2180] Lots of Exception

(A) The approval authority may grant an exception to permit the creation of a lot of less than the minimum specified in MCC 39.4717(A), after August 14, 1980, when in compliance with the dimensional requirements of MCC 39.4717(C) through (E). Any exception shall be based on findings that the proposal will:

(1) Substantially maintain or support the character and stability of the overall land use pattern of the area;

(2) Be situated upon land generally unsuitable for commercial forest use or the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and the location or size of the tract;

(3) Be compatible with accepted farming or forestry practices on adjacent lands;

(4) Be consistent with the purposes described in MCC 39.4700;

(5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and

(6) Not require public services beyond those existing or programmed for the area.

(B) Except as provided in MCC 39.4720(D), no Lot of Exception shall be approved unless:

(1) The Lot of Record to be divided exceeds the area requirements of MCC 39.4717(A), and

(2) The division will create no more than one lot which is less than the minimum area required in MCC 39.4717(A).

(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 39.4700.

(D) The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this base zone; provided that the decision of the Director may be appealed to the approval authority pursuant to MCC 39.1160.

§ 39.4722 [11.15.2184] Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4710, except subsection (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 impacts on nearby properties; and

(C) Consideration of the purposes of this base zone.

§ 39.4725 [11.15.2186] Off-Street Parking And Loading

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4727 [11.15.2188] Access

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3150.

§ 39.4730 [11.15.2192] Right To Complete Single-Family Dwelling

A single-family dwelling, uncompleted prior to August 14, 1980, but which meets the tests stated in this subsection, may be completed although not listed as a Primary Use in this base zone.

(A) Actual construction shall have commenced prior to August 14, 1980, under a sanitation, building or other development permit applicable to the lot. Actual construction means:

(1) Placement of construction materials in a permanent position;

(2) Site excavation or grading;

(3) Demolition or removal of an existing structure;

(4) The value of purchased building materials; or

(5) Installation of water, sanitation or power systems.

(B) Actual construction shall not include:

(1) The cost of plan preparation; or

(2) The value of the land.

(C) The value of actual construction commenced prior to August 14, 1980, shall be $1,000 or more for each $20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.

§ 39.4732 [11.15.2194] Residential Use Development Standards

A residential use located in the MUF base zone after August 14, 1980, shall comply with the following:

(A) The fire safety measure outlined in the Fire Safety Considerations for Development in Forested Areas, published by the Northwest Interagency Fire Prevention Group, including at least the following:

(1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and

(2) Maintenance of a water supply and of fire-fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;

(B) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot.

(C) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 39.4717(D).

(D) The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval.

(E) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (C), above.

(F) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:

(1) A setback of 30 feet or more may be provided from a public road, or

(2) The location of dwelling(s) on adjacent lot(s) at a lesser distance will allow for the clustering of dwellings or the sharing of access.

(G) Construction shall comply with the standards of the building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.

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

(I) The dwelling shall have a minimum floor area of 600 square feet.

(J) The dwelling shall be located outside a big game habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

4.D.2 – Retail Commercial (C-3)

§ 39.4735 [11.15.4702] Uses

This base zone is defined as a Retail Commercial base zone.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the following uses, provided such uses occur on a Lot of Record:

(A) Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:

1. Antique shop
2. Art gallery
3. Bakery goods two employees or less
4. Barber shop or beauty parlor
5. Book or stationery store
6. Clothes cleaning agency or pressing establishment

7. Confectionery store

8. Custom dressmaking or millinery shop

9. ~~Drug store~~ Pharmacy

10. Dry goods or notions store

11. Florist or gift shop

12. Grocery, fruit, or vegetable store

13. Hardware or electric appliance store

14. Jewelry store

15. Laundry agent

16. Meat market or delicatessen store

17. Office, business or professional

18. Photographer

19. Off-street parking and loading areas when located and developed as required in MCC 39.6500 through 39.6600

20. Radio and television sales and service

21. Self-service laundry

22. Shoe store or shoe repair shop

23. Tailor, clothing or wearing apparel shop

24. Accessory buildings when located on the same lot

25. Retail store or business.

26. Automobile service station (no repairs) with a sight-obscuring fence at least six feet and not more than seven feet in height, unless otherwise specified by the Hearings Officer.

27. Bank.

28. Bath, Turkish and the like.

29. Bird store, pet shop, or taxidermist.

30. Business college or private school operated as a commercial enterprise.

31. Blueprinting or copy shop.

32. Car wash, convenience, subject to the following requirements:

(a) Accessory to a service station:

1. operated by service station personnel,

2. floor area of the car wash shall not exceed 50 percent of the constructed floor area of the service station,

3. car wash mechanical apparatus shall not exceed 26 feet in length, excluding conveyor equipment, or 14 feet in width. The overall height shall not exceed 12 feet with a vehicle entry and exit not to exceed 7-feet, 8-inches. The recess opening height shall not exceed 8-feet.

(b) All equipment and operations, including drying and vacuuming shall be conducted within a completely enclosed structure, except for an approved entrance and an exit.

1. Entrance and exit shall provide flaps or other suitable means of containing water vapor generated by the car wash within the structure.

(c) Car wash structure shall be located not less than 150 feet from the boundary of an 'R' or 'A' Base zone.

(d) Hours of operation shall not be before 7:30 a.m. nor after 10:00 p.m.; hours shall be prominently posted on the premises.

(e) Noise levels generated by the car wash shall not exceed standards established by the Department of Environmental Quality or County Ordinance.

(f) Such uses are subject to design review by the staff.

33. Catering establishment.

34. Cleaning establishment, using non-explosive and non-inflammable cleaning fluid.

35. Department or furniture store.

36. Frozen food locker, excluding wholesale storage.

37. Hospital or sanitarium (except animal hospital).

40. Hotel.

41. Ice storage house, not more than five tons capacity.

42. Interior decorating store.

43. Medical or dental clinic and laboratory.

44. Motion picture theater.

45. Music conservatory or music instruction.

46. Newsstand.

47. Nursery, flower or plant, provided that all incidental equipment and supplies are kept within a building or suitable lattice cover.

48. Pawnshop.

49. Restaurant, tea room, cafe or tavern.

50. Second-hand store, if conducted wholly within a completely enclosed building.

51. Studio - art, dance, etc.

52. Trade or commercial school, if not objectionable due to noise, odor, vibration or other similar causes.

53. Wholesale merchandise broker, excluding wholesale storage.

54. Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

55. Accessory buildings when located on the same lot.

(B) Any other use held similar to the above uses, as approved by the Planning Commission.

(C) Adult bookstore or adult theater, when in compliance with MCC .4037.

(D) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

(E) 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.

§ 39.4737 [11.15.4704] Restrictions

(A) Yard Requirements.

(1) Front Yard - None.

(2) Side Yard - None.

(3) Rear Yard - None. However, if a rear yard is provided, the minimum depth shall be 12 feet.

(B) Height Restrictions.

Maximum height of any structure shall be 45 feet.

-(C) Off-Street Parking.

Off-street parking and loading shall be provided as required in MCC 39.6500 through 39.6600.

(D) All lots in this base zone shall abut a street, or shall have such other access held suitable by the Hearings Officer.

(E) Half Streets.

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve

the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

(F) No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard, or setback requirements of this base zone.

(G) Signs, pursuant to the provisions of MCC 39.6700 through 39.6820.

(H) No new residence shall be permitted in this base zone except that related to the business or enterprise allowed in this base zone such as janitor or night watchperson.

§ 39.4739 [11.15.4706] Design Review

Uses in this base zone shall be subject to Design Review approval pursuant to MCC 39.8000 through 39.8050.

4.D.3 – Urban Future Base Zones General Provisions

§ 39.4740 [11.15.2354] Purposes

The purposes of the Urban Future base zones are to implement the growth management policy of the Community Plans; to provide for appropriate interim uses which are consistent with the resource base, community identity and unique natural features pending the reclassification of specific areas for urban uses; to retain the land suitable for future urbanization in large parcels in consideration of the levels of public services available, the characteristics of current uses, the needs for larger sites for planned future uses and for maximum flexibility in the preparation of future development plans; and to provide for public review of other use proposals in order to assure compatibility with applicable County policies.

§ 39.4742 [11.15.2358] Access

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3160.

§ 39.4743 [11.15.2360] Exceptions to Dimensional Requirements

(A) When a lot has been included in a Future Street Plan approved under MCC 39.9445 through 39.9465, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that Future Street Plan, or approved revision thereof, under MCC 39.9470.

(B) The minimum yard requirement shall be increased to provide for street widening in the event a yard abuts a street having a width less than that specified for the functional classification in the Multnomah County Transportation System Plan.

(C) Except as provided in the LF overlay, 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.

(D) The approval authority may grant a Lot of Exception to permit the creation of a lot smaller than the minimum required, after July 26, 1979, when in compliance with the other dimensional requirements of the base zone. Any exception shall be based on findings that the proposal will:

(1) Substantially maintain or support the character and stability of the overall land use pattern of the area;

(2) Be compatible with accepted farming or forestry practices on adjacent lands;

(3) Be consistent with the purposes described in MCC 39.4740;

(4) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and

(5) Not require public services beyond those existing in the area.

(E) Except as provided in subsection (G) below, no Lot of Exception shall be approved unless:

(1) The Lot of Record to be divided exceeds the area requirements of the base zone, and

(2) The division will create no more than one lot which is less than the minimum area required in the base zone.

(F) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 39.4740.

(G) The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in the base zone; provided that the decision of the Planning Director may be appealed according to the provisions of MCC 39.1160.

§ 39.4744 [11.15.2362] Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4745 [11.15.2364] Signs

Signs may be permitted if approved pursuant to the provisions of MCC 39.6700 through 39.6820.

§ 39.4746 [11.15.2366] Lot Sizes for Conditional Uses

Except as otherwise established by this Chapter, the lot size for a Conditional Use shall be determined by the approval authority at the time of approval of the use, 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 consideration of the purposes of this base zone.

4.D.3.a – Urban Future (UF-20)

§ 39.4748 UF-20 Zone

This base zone is defined as an Urban Future base zone with a minimum lot size of 20 acres. For purposes of this base zone, the Urban Future base zones General Provisions apply.

§ 39.4750 [11.15.2384] Uses

Except as otherwise provided in this Chapter, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone

except for the uses listed in MCC 39.4751 through 39.4753 provided such uses occur on a Lot of Record.

§ 39.4751 [11.15.2386] Primary Uses

(A) Residential use consisting of a single-family detached dwelling on a lot;

(B) Any agricultural or horticultural use or animal husbandry use or combination thereof, except as provided in MCC 39.4753(B);

(C) The propagation or harvesting of forest products; and

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

(E) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

§ 39.4752 [11.15.2388] Uses Permitted Under Prescribed Conditions

The uses permitted subject to prescribed conditions for each use are:

(A) Residential use, consisting of a single-family dwelling for the housing of help required to carry out a primary use permitted by MCC 39.4751(B), when the dwelling occupies the same lot as a residence permitted by MCC 39.4751(A) or 39.4752(A).

(B) 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 39.1160.

(C) Home occupations, as defined in MCC 39.2000;

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this base zone; and

(E) Temporary uses under the provisions of MCC 39.8700 and 39.8750.

(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.

§ 39.4753 [11.15.2390] Conditional Uses

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

(A) Community Service Uses pursuant to the provisions of MCC 39.7500 through 39.7810;

(B) The following Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(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; and

(7) Commercial dog kennels; and

(8) Storage and sorting of logs and the preparation of log rafts;

(9) Other Conditional Uses as listed in Part 7 of this Chapter;

§ 39.4754 [11.15.2392] Dimensional Requirements and Development Standards

(A) Except as provided in MCC 39.3160(B), 39.4743(A) and (B), 39.4746 and 39.7525(D), and subsection (D) of this section, the minimum lot size shall be 20 acres.

(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) Parcels of land which are contiguous and in which greater than possessory interests are held by the same person, partnership or business entity shall be aggregated to comply as nearly as possible with the area or front lot line minimums of this base zone. The word "contiguous" shall refer to parcels of land which have any common boundary and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way.

(E) Nothing in this section shall be deemed to alter or amend the other provisions of this Chapter.

(F) All exterior lighting shall comply with MCC 39.6850.

4.D.4 Urban Light Manufacturing (LM)

§ 39.4758 [11.15.5005] Area Affected

MCC 39.4758 through MCC 39.4775 shall apply to those lands designated LM, GM and HM on the Multnomah County Zoning Map.

§ 39.4760 [11.15.5010] Purposes

The purposes of an Urban Manufacturing base zone are to provide for the designation of suitable lands for industrial use, economic growth and development; to assure the stability and functional aspects of existing and planned industrial areas and of employment opportunities by protecting potential industrial lands from encroachment by non-industrial or incompatible uses; to accommodate a diversified economy and a complementary blend of uses; to provide for industrial land use classification by types of uses in relation to similar and associated activities and off-site effects; to reinforce community identity; to establish standards and requirements necessary to the realization of the Comprehensive Plan policies while affording maximum opportunities for the location and development of industrial uses; to encourage the conservation of energy resources and to establish approval criteria and development standards for the location of supportive uses and services consistent with the Comprehensive Plan.

-[11.15.5105] In addition to the above purposes, the purposes of the Urban Light Manufacturing base zone are to permit location of light industrial, manufacturing and storage uses in close proximity to residential and commercial areas where appropriate; to provide for local concentrations of employment opportunities near living areas; to accommodate the location of incubator industries having low off-site effects and to provide a transition between more intensive industrial activities and residential or commercial areas.

§ 39.4762 [11.15.5115] Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the following uses, provided such uses occur on a Lot of Record.

§ 39.4763 [11.15.5120] Primary Uses

The following uses, conducted within an enclosed building:

(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, 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;

(N) Collection, recycling, sorting, baling or processing of previously used materials such as rags, paper, metals, glass or plastics; and

(O) Any use not listed in MCC 39.4764 or 39.4765, determined by the Planning Commission to be consistent with the purposes listed in MCC 39.4760.

(P) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

§ 39.4764 [11.15.5125] Uses Permitted Under Prescribed Conditions

The following uses, subject to approval by the Planning Director when found to satisfy the required conditions and approval criteria:

(A) The open display for sale or rental of merchandise or equipment as a part of a primary use on the same lot, when located not less than ten feet from a street property line;

(B) The outside storage of merchandise, supplies or equipment, including small boats, trailers or recreational vehicles, and storage as part of a primary use on the same lot, but not including outside manufacturing, processing or assembly activities, when located within a sight-obscuring fence at least six feet in height and with no materials or equipment stacked in a manner so as to be visible above the top of the fence;

(C) The retail sales, rental or customer servicing within a building of products manufactured, processed, stored or distributed at wholesale as a primary use on the same lot when occupying not more than 15 percent of the floor area of the primary use and upon satisfaction of the approval criteria listed in subsection MCC 39.4772(D) through (E);

(D) Airport-related commercial or service uses, including a hotel or motel, restaurant, meeting or convention rooms, automobile rental or a travel or ticket office, upon satisfaction of the approval criteria of MCC 39.4772;

(E) Office, retail and service commercial uses generally serving the needs of industrial base zone customers or employees, including a snack bar, coffee or sandwich shop, restaurant, barber or beauty shop, bank, credit union office, automobile service station, racquet or health club or similar use and the drive-in, drive-up or drive-through services of any such use upon satisfaction of the approval criteria of MCC 39.4772(C) through (E) and (H) to (J);

(F) Uses and structures customarily accessory or incidental to a permitted or approved use, including living quarters for a caretaker or watchman and a railroad right-of-way, trackage and related equipment;

(G) Off-street parking and loading, developed as required under MCC 39.6500 through 39.6600;

(H) Temporary uses under the provisions of MCC 39.8750; and

(I) Ambulance service substations subject to approval by the Planning Director when found to satisfy the approval criteria of MCC 39.4955.

(J) 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.

§ 39.4765 [11.15.5130] Conditional Uses

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

(A) Community Service Uses, under the provisions of MCC .39.7500 through 39.7810;

(B) Conditional Uses, under the provisions of Part 7 of this Chapter;

-(C) Contractor's heavy equipment storage and the incidental maintenance or repair of such equipment, under the procedural provisions of Part 7 of this Chapter, the applicable approval criteria of MCC 39.7015, and subject to additional findings by the approval authority that the proposal:

(1) Will have minimal adverse impact, taking into account location, size and operating characteristics on the value and appropriate development of abutting properties and the surrounding area; and

(2) Will provide for vehicular access to the proposed use without creating traffic congestion, nor hazardous conditions considering roadway capacity, proximity to street or driveway intersections, or freeway on-or off-ramps, speed limits, traffic signals other regulation devices, turning movements, pedestrian circulation and existing or projected traffic volumes. In determining such relationships, the approval authority shall consider the report and recommendation thereon of the County Engineer.

(D) The following uses when approved pursuant to the procedural provisions of Part 7 of this Chapter, and the approval criteria of MCC 39.4773 conducted within an enclosed building with not more than 4,000 square feet of retail or customer service floor area for each use:

(1) A retail grocery, meat, produce, bakery, delicatessen, confectionery or similar store, including the preparation of foodstuffs for sale primarily on the premises;

(2) A retail drug, variety, gift, dry goods, notions, music, florist, book, stationery or similar store;

(3) A barber, beauty, tailor, dressmaking or shoe repair shop, self-service laundry, dry-cleaning or laundry pick-up agency, photographer or similar personal service business;

(4) A coffee shop and/or a sandwich shop, but not a drive-in or fast-food service;

(5) An instruction studio for arts, crafts, music, dance or similar activity;

(6) A radio, television or small appliance repair shop;

(7) The following uses, including open display of merchandise, for sale or rental, provided that any manufacturing, servicing, processing or repair activities shall be within a sight-obscuring fence at least six feet in height:

(a) Automobile battery servicing or rebuilding and tire recapping or retreading;

(b) Small boat and recreational marine supplies and equipment sales, rental or repair;

(c) Custom cabinet shop, office or store fixture manufacturing or repair, plumbing, heating or electrical shop, sign painting and sign manufacture or repair;

(d) Furniture sales, rental, repair, refinishing and upholstering;

(e) Retail fuel and ice storage and distribution;

(f) Household moving supplies and equipment sales or rental and household goods storage;

(g) Janitorial or building maintenance service;

(h) Landscaping services and maintenance, including tree care, spraying and yard care;

(i) Lumber, building and home improvement materials sales;

(j) Mail-order house, door-to-door sales headquarters, motion picture distributor;

(k) Outdoor commercial amusements, including garden golf, go-karts, skateboards or trampolines;

(l) Small tools and equipment rental, sales, maintenance, repair, sharpening, and small engine repair and service;

(m) A recycling center and the sorting, bailing and shipping of collected materials.

(E) The following uses when approved pursuant to the procedural provisions of Part 7 of this Chapter, and the approval criteria of MCC 39.4773:

(1) The following office and other uses when found to satisfy the approval criteria of (3) below:

(a) Office of an accounting, administrative, architectural, business, data processing, design, drafting, editorial, educational, engineering, executive, financial, governmental, insurance, investment, landscape, legal, management, real estate, religious, research, scientific, statistical or similar service organization.

(b) Medical or dental office clinic.

(c) Duplicating, billing or mailing service.

(d) Instruction studio for arts, crafts, dance, music or photography.

(e) Business, professional, trade or commercial school.

(f) The following uses, when occupying not more than 20% of the floor area of associated with the uses listed in (a) through (e) above on the same parcel:

1. Sales of stationary and minor office supplies in association with an office use listed in (a) above.

2. Pharmacy or the sale or rental of health supplies or appliances in association with an office or clinic use listed in (b) above.

3. Sale, rental or maintenance service of office machines in association with an office, clinic or service listed in (a), (b), or (c) above.

4. Sale or rental of art, craft, dance or musical supplies, equipment or instruments in association with a related instruction studio use listed in (d) above.

(2) The following uses, subject to the approval criteria in (4) below and provided that any servicing, processing or repair activities shall be within a sight-obscuring fence at least six feet in height:

(a) Auction house or flea market;

(b) Automobile, small truck or motorcycle, new and used sales or rental, repair, rebuilding, parts and glass replacement, body and fender work, painting, upholstery, towing and full service or self service car wash;

(c) Camper, mobile home, recreational vehicle, recreational or utility trailer sales, rental, servicing, repair or storage and moving van or trailer rental;

(d) Drive-in theater; and

(e) Farm and garden equipment sales, rental, repair or servicing.

(3) In approving a use listed in subsection (1) above, the approval authority shall find that the proposal will satisfy the following:

(a) The total gross floor area of the proposed use shall not exceed 15,000 square feet;

(b) Lighting associated with the proposed use shall comply with the dark sky standards of MCC 39.6850;

(c) Off-street parking shall be provided pursuant to MCC 39.6500 through MCC 39.6600, except that not more than 125% of the spaces required shall be provided;

(d) Signs associated with the proposed use shall be subject to the provisions of MCC 39.6700 through MCC 39.6820;

(e) Paved pedestrian walks shall connect to the public sidewalks(s) abutting the property. A sidewalk shall be constructed along any street lot line of the property, where none exists, as a committed part of the development. Pedestrian walks shall also be provided from building entrances to parking areas;

(f) All utilities shall be underground.

(4) In approving a use listed in (2) above, the approval authority shall find that the proposal:

(a) Will have access in accord with the following, which shall be in addition to the access provisions of MCC 39.4768:

1. Driveways shall measure 25 to 30 feet in width at the property line with a curb radius of between 10 and 20 feet. Traffic lanes shall be stripped;

2. Access drives shall be 50 feet or more from the nearest curb return of a public street adjoining a corner lot;

3. Access drives on the same street frontage which serve the same lot shall be 150 feet for more apart on an arterial street; access drives shall be located on non-arterial street frontage, if any, unless the result would be that traffic from the

proposed use would have to pass single-family residential units or land designated for low density residential use;

4. A 10 foot wide landscape buffer is required along a lot line adjacent to a residential base zone lot line and should contain:

a. Deciduous trees spaced between 20 to 30 feet apart depending on species, and a hedge which has a minimum height of 3 feet at the time of planting.

b. No foliage or visual obstruction shall occur between 3 and 6 feet above grade within 10 feet of a streetside property line located within 10 feet of a driveway.

5. In the event the applicant's lot has a streetside lot line less than 50 feet in width, and there is an access drive on an adjoining non-residential lot improved according to the Multnomah County Design and Construction Manual, whose nearest point measured on the common right-of –way is not more than ten feet from the common property line. Then the applicant shall acquire an easement from the owner of the adjacent property for shared access or shall demonstrate that shared access is not possible. Shared access is not possible if the owner of the adjoining lot refuses, in writing, to grant a written request from the applicant for an easement for access purposes;

6. Where access is shared with an adjacent property along a common property line, an easement is required for the sharing of the driveway and the required landscaped buffer along that property line is eliminated.

(a) Paved pedestrian walks shall connect to the public sidewalks(s) abutting the property. A sidewalk shall be constructed along any street lot line of the property, where none exists, as a committed part of the development. Pedestrian walks shall also be provided from building entrances to parking areas;

(b) Lighting associated with the proposed use shall comply with the dark sky standards of MCC 39.6850;

(c) No outdoor sound amplification systems shall be operated on the property, however, ordering devices shall be permitted;

(d) Off-street parking shall be provided pursuant to MCC 39.6500 through MCC 39.6600;

(e) Signs associated with the proposed use shall be subject to the provisions of MCC 39.6700 through MCC 39.6820.

§ 39.4766 [11.15.5135] Dimensional Requirements

(A) The lot size for a use permitted or authorized in this base zone shall be adequate to fulfill the applicable minimum yard setback, lot coverage, design review and other requirements of the base zone.

(B) Maximum height of any structure shall be 50 feet.

§ 39.4767 [11.15.5140] Landscaped Buffer Area

(A) A landscaped buffer area shall be established and maintained according to the applicable standards of MCC 39.8045. The buffer area shall have a minimum width:

(1) Of 50 feet along any property line which is adjacent to or across any street, slough, drainageway, railroad or other right-of-way from any land designated as residential by the Comprehensive Plan;

(2) Of 25 feet along the right-of-way or from the high water line of any lake, slough, stream, drainageway or other waterway; and

(3) Of 20 feet along a lot line adjacent to a street;

(4) Equal to the building height, between a building in this base zone and a residential base zone lot line;

(5) Of 10 feet between a parking, loading or vehicle maneuvering area and a residential base zone lot line; and

(6) Of 25 feet between an outside storage or open display area and a residential base zone lot line.

(B) Exception - In acting on a final design review plan, the Planning Director may waive or modify a requirement of subsections MCC 39.4767(A)(l) through (6) upon a finding that:

(1) An established building line renders the requirement inappropriate, or

(2) The factors listed in MCC 39.8050(C)(l)(a) through (d) are satisfied.

§ 39.4768 [11.15.5020] Access

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3130.

§ 39.4769 [11.15.5025] Exceptions to Dimensional Requirements

(A) When a lot has been included in a future street plan approved under MCC 39.9445 through 39.9465, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that future street plan, or approved revision thereof, under MCC 39.9470.

(B) Cornices, eaves, belt courses, sills, canopies, or similar architectural features may extend or project into a required yard not more than 30 inches.

(C) Open porches or balconies, not more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such porches may extend into a required front yard not more than 30 inches.

(D) Buildings, structures, required parking, loading or landscaping shall be set back to provide for street widening in the event the lot abuts a street having a width less than that specified for the functional classification in the Multnomah County Transportation System Plan.

(E) A fence, lattice work, screen, plantings, wall or similar feature with a maximum height of six feet may be located in any required yard, except that for a corner lot there shall be no sight obstruction between three feet and ten feet in height above street grade within a triangular area having two sides 20 feet in length along the property lines measured from the corner.

(F) Except as provided in the LF base zone, chimneys, antennae, mechanical equipment, storage towers or similar structures may exceed height maximums established by ordinance if located at least 20 feet from any property line.

§ 39.4770 [11.15.5030] Lot Sizes for Conditional Uses

Except as otherwise established by this Chapter, the lot size for a Conditional Use shall be determined by the approval authority at the time of approval of the use, based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impacts on or from nearby properties or uses; and

(C) Consideration of the purposes of the base zone.

§ 39.4771 [11.15.5035] Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 39.65000 through 39.6600.

§ 39.4772 [11.15.5040] Airport-Related and Other Commercial Use Approval Criteria

In approving an airport-related commercial use under prescribed conditions, the approval authority shall find that the proposal will:

(A) Be located within two miles of a public airport;

(B) Be located within a five minute drive of the airport terminal assuming a trip can be made at an average of 75% of the posted speed limits applicable;

(C) Comply with applicable sign regulations;

(D) Include a commitment to make improvements required by The Transportation System Plan and rules adopted thereunder;

(E) Provide access in the manner described in MCC 39.4768;

(F) Provide parking as specified in MCC 39.6500 through 39.6600, except that not more than 125% of the required number of spaces shall be provided;

(G) Be within one-quarter mile of a public transit stop or other passenger pickup and delivery service to and from the airport;

(H) Comply with the dimensional standards of MCC 39.4767(A); an exception as described in MCC 39.4767(B) shall not be required;

(I) Provide that any outside storage of vehicles shall include:

(1) 25 square feet of landscaping within storage areas for every 20 vehicle spaces, or

(2) A sight-obscuring screen, not to be less than a solid hedge capable of growth to six feet in height and three feet in width within two growing seasons, or a solid fence at least six feet high;

(J) Provide that outside storage of any other tangibles shall include a sight-obscuring screen as described in subsection (I)(2) above;

(K) Not incorporate blue colored lights or rows of lights resembling aircraft guidance lighting; and

(L) Provide that any noise-sensitive uses, such as a hotel, motel or office, shall be designed for an interior noise level not to exceed 45 Ldn.

§ 39.4773 [11.15.5045] Industrial Area Retail and General Commercial Use Approval Criteria

In approving a retail or general commercial use as a Conditional Use, the approval authority shall find that the proposal:

(A) Will satisfy the applicable elements of Comprehensive Plan policies;

-(B) Will satisfy a public need for the use which cannot be met on property in the vicinity which is classified or designated in the Comprehensive Plan to permit the use;

(C) Will satisfy the approval criteria and development standards for the use as specified in the urban commercial base zone in which the use is permitted; and

(D) Will satisfy the approval criteria of MCC 39.4772(C) through (G).

§ 39.4775 [11.15.5060] Design Review

Uses in these base zones shall be subject to Design Review approval under MCC 39.8000 through 39.8050.

4.D.5 – Urban Low Density Residential Base Zones General Provisions (LR-5, LR-7, LR-10) 11.15.2472 – 11.15.2498

§ 39.4778 Area Affected

These general provisions apply to lands desiganed-LR-l0, LR-7 and LR-5 on the Multnomah County Zoning Map.

§ 39.4780 [11.15.2474] Purposes

The purposes of the Urban Low Density Residential base zones are to provide for a choice of lower density housing locations and types, together with related and accessory uses; to assure adequate and safe access to residential uses; to assure lotting patterns and building areas which take maximum advantage of climatic conditions and means for efficient use of energy; to create and maintain long-term community stability; to assure that housing developments are consistent with the Comprehensive Plan ~~and the various Community Plans~~.

§ 39.4781 [11.15.2478] Access

All lots and parcels in an Urban Low Density Residential base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3140.

§ 39.4782 [11.15.2480] Exceptions to Dimensional Requirements.

(A) When a lot has been included in a future street plan approved under MCC 39.9445 through 39.9465, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that future street plan, or approved revisions thereof, under MCC 39.9470.

(B) In acting to approve a land division under the Land Division Chapter, the approval authority may grant an Exception not to exceed ten percent of the lot area or 25 percent of any other dimensional requirements upon findings that such Exception will result in any of the following:

(1) More efficient use of the site;

(2) A greater degree of privacy, safety or freedom from noise, fumes or glare;

(3) An improved solar and climatic orientation;

(4) The preservation of natural features, where appropriate; or

(5) The provision of pedestrian circulation facilities where needed.

(C) Cornices, eaves, belt courses, sills, canopies, or similar architectural features may extend or project into a required yard not more than 30 inches. Fireplace chimneys may project into a required front, side or rear yard not more than two feet, provided the width of such side yard is not reduced to less than three feet.

(D) Open porches or balconies, not more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet and such porches may extend into a required front yard not more than 30 inches.

(E) The minimum yard requirement shall be increased to provide for street widening in the event a yard abuts a street having a width less than that specified for the functional classification in the Multnomah County Transportation System Plan.

(F) A fence, lattice work, screen, wall or similar feature with a maximum height of six feet may be located in any required yard provided, however, that the maximum height shall be four feet if the feature is within 15 feet of a front property line or five feet of a street side property line.

(G) Except as provided in the LF Base zone, chimneys, antennae, or similar structures may exceed height maximums established by Ordinance if located at least 20 feet from any property line.

(H) A two-unit dwelling may be located with one unit on each of two adjoining lots. In such event, the minimum lot size and yard requirements shall apply to each unit, except that no yard shall be required between the units.

§ 39.4783 [11.15.2482] Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4784 [11.15.2484] Signs

Signs may be permitted if approved pursuant to the provisions of MCC 39.6700 through 39.6820.

§ 39.4785 [11.15.2486] Lot Sizes for Conditional Uses

Except as otherwise established by this Chapter, the lot size for a conditional use shall be determined by the approval authority at the time of approval if the use, based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impacts on nearby properties; and

(C) Consideration of the purposes of the base zone.

§ 39.4786 [11.15.2492] Residential Development in Unsewered Urban Areas

(A) In the event the maximum number of lots or dwelling units allowable under the Comprehensive Plan, MCC 39.9000 through 39.9700 and the dimensional or other requirements of this base zone is not possible due to Department of Environmental Quality subsurface sewage disposal limitations, the site development plan shall designate the manner in which the additional allowable units may be located on the property when public sewer service is available.

(B) Review and action on a site development plan required by this subsection shall be taken under the applicable procedures of MCC 39.9000 through 39.9700 or the design review or other zoning approval provisions of this Chapter.

(C) Approval of a site development plan required by this subsection shall be supported by findings that:

(1) Septic tanks or cesspools are permitted by the County Sanitarian and the Department of Environmental Quality for three or more lots per net acre or for Lots of Record; or

(2) A plan for the future redivision of lots; or

(3) The reservation and interim use of portions of the site, pending the future location of additional dwelling units; or

(4) The installation of dry sewers at the time of initial development.

(D) A decision by the Planning Director on an application under this subsection may be appealed by the applicant to the Hearings Officer in the manner provided in MCC 39.1160.

4.D.5.a – Solar Access Provisions for New Development in the Urban Low Density Residential base zones.

§ 39.4789 [11.15.6805] Purpose

The purposes of the solar access provisions for new development in the Urban Low Density Residential base zones are to ensure that land in the urban portions of Multnomah County is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

§ 39.4790 [11.15.6810] Applicability

The solar design standard in Section .6815 shall apply to applications for a development to create lots in LR-10, LR-7, and LR-5 zones and for single family detached dwellings, except to the extent the approval authority finds that the applicant has shown one or more of the conditions listed in MCC 39.4792 and MCC 39.4793 exist, and exemptions or adjustments provided for therein are warranted.

§ 39.4791 [11.15.6815] Design Standard

At least 80 percent of the lots in a development subject to MCC 39.4700 through 39.4813 shall comply with one or more of the options in this Section.

(A) Basic Requirement (see MCC 39.4813 Figure 9). A lot complies with this Section if it:

(1) Has a north-south dimension of 90 feet or more; and

(2) Has a front lot line that is oriented within 30 degrees of a true east-west axis.

(B) Protected Solar Building Line Option (see MCC 39.4813 Figure 10). In the alternative, a lot complies with this Section if a solar building line is used to protect solar access as follows:

(1) A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat;

(2) The protected solar building line for the lot to the north is oriented within 30 degrees of the true east-west axis;

(3) There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line;

(4) There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

(C) Performance Option. In the alternative, a lot complies with this Section if:

(1) Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from shade by structures and non-exempt trees; or

(2) Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.

§ 39.4792 [11.15.6820] Exemptions from Design Standard

A development is exempt from MCC 39.4791 if the Planning Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from MCC 39.4791 to the extent the Planning Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with MCC 39.4791.

(A) Slopes - The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.

(B) Off-Site Shade - The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures,

topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.

(1) Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.

(2) Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.

(3) Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.

(4) Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

(C) On-Site Shade - The site, or a portion of the site for which the exemption is requested, is:

(1) Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or

(2) Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other document in the office of the County Recorder binding the applicant to comply with this requirement.

The county shall be made a party of any covenant or restriction created to enforce any provision of MCC 39.4790 through 39.4813. The covenant or restriction shall not be amended without written county approval.

§ 39.4793 [11.15.6822] Adjustments to Design Standard

The Planning Director shall reduce the percentage of lots that must comply with MCC 39.4791 to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply.

(A) Density and Cost - If the design standard in MCC 39.4791 is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with MCC 39.4791 would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.

(1) The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor.

(2) There is a significant natural feature on the site, identified as such in the comprehensive plan or zoning code that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.

(3) Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.

(4) An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

(B) Development Amenities ¬ If the design standard in MCC 39.4791 applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with MCC 39.4791 is relevant to whether a

significant development amenity is lost or impaired. Development amenities which may merit design adjustments include, but are not limited to the following:

(1) Views of volcanic peaks in the Cascade Range;

(2) Substantial open space, recreation or aesthetic features added by the applicant;

(3) Existing Goal 5 Features identified in the Comprehensive Plan.

(C) Existing Shade ¬ Non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground have a crown cover over at least 80 per cent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of non-exempt trees on the site or using an aerial photograph.

(1) Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.

(2) Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

§ 39.4794 [11.15.6825] Protection from Future Shade

Structures and non-exempt vegetation must comply with the Solar Balance Point sections for existing lots (reference MCC 39.4799 through 39.4806) if located on a lot that is subject to the solar design standard in MCC 39.4791, or if located on a lot south of and adjoining a lot that complies with MCC 39.4791.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in MCC 39.4794. The county shall be made a party of any covenant or

restriction created to enforce any provision of MCC 39.4790 through 39.4813. The covenant or restriction shall not be amended without written county approval.

§ 39.4795 [11.15.6828] Application

An application for approval of a development subject to MCC 39.4790 through 39.4813 shall include:

(A) Maps and text sufficient to show the development complies with the solar design standard of MCC 39.4791, except for lots for which an exemption or adjustment from MCC 39.4791 is requested, including at least:

(1) The north-south lot dimension and front lot line orientation of each proposed lot.

(2) Protected solar building lines and relevant building site restrictions, if applicable.

(3) For the purpose of identifying trees exempt from MCC 39.4794, a map showing existing trees at least 30 feet tall and over 6 inches in diameter at a point 4 feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.

(4) Copies of all private restrictions relating to solar access.

(B) If an exemption or adjustment to MCC 39.4791 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in MCC 39.4792, or 39.4793 respectively.

§ 39.4796 [11.15.6830] Procedure

Development requests subject to Solar Access Provisions in the preceding sections (MCC 39.4790 through 39.4795) shall be decided as prescribed by MCC 39.9000 through 39.9700.

§ 39.4798 [11.15.6835] Solar Balance Point Provisions

The purposes of these provisions are to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to these provisions are intended to be ministerial.

§ 39.4799 [11.15.6840] Applicability

MCC 39.4790 through 39.4813 applies to an application for a building permit for all structures in LR-10, , LR-7, LR-5, zones, and all single family detached structures in any urban zone, except to the extent the approval authority finds the applicant has shown that one or more of the conditions listed in MCC 39.4802 or 39.4803 exists, and exemptions or adjustments provided therein are warranted. In addition, non exempt vegetation planted on lots subject to the provisions of MCC 39.4794 of the Solar Access Provisions for New Development shall comply with the shade point height standards as provided in MCC 39.4801 and 39.4802.

§ 39.4800 [11.15.6845] Solar Site Plan Required

An applicant for a building permit for a structure subject to MCC 39.4790 through 39.4813 shall submit a site plan that shows the maximum shade point height allowed under MCC 39.4801 and the allowed shade on the proposed structure's solar features as provided in 39.4804. If applicable, the site plan shall also show the solar balance point for the structure as provided in MCC 39.4805.

§ 39.4801 [11.15.6850] Maximum Shade Point Height Standard

The height of the shade point shall comply with either subsection A or B below.

(A) Basic Requirement. The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. If necessary, interpolate between the 5 foot dimensions listed in Table A.

H=[(2xSRL)-N+150]/5

Table A. Maximum Permitted Shade Point (In Feet)

Distance to Shade Reduction Line from Northern Lot Line (In Feet)	North-South Lot Dimension (In Feet)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40	41	42
45	30	30	30	31	32	33	34	35	36	37	38	39	40

40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

Where: H = the maximum allowed height of the shade point (see Figures 4 and 5);

SRL = shade reduction line [the distance between the shade point and the northern lot line (see Figure 6)]; and

N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

(B) Performance Option - The proposed structure, or applicable nonexempt vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or non-exempt vegetation comply with MCC 39.4791(B) or (C) the Solar Access Provisions for New Development. If MCC 39.4791 (B), Protected Solar Building Line Option, is used, non-exempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of non-exempt vegetation over 2 feet.

§ 39.4802 [11.15.6855] Exemption from the Maximum Shade Point Height Standard

The Planning Director shall exempt a proposed structure or nonexempt vegetation from MCC 39.4800 and 39.4801 if the applicant shows that one or more of the conditions in this Section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

(A) Exempt Lot - When created the lot was subject to the Solar Access Provisions for New Development and was not subject to the provisions of MCC 39.4794.

(B) Pre-Existing Shade - The structure or applicable non-exempt vegetation will shade an area that is shaded by one or more of the following:

(1) An existing or approved building or structure;

(2) A topographic feature;

(3) A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law; is within a public park, or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.

(C) Slope - The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor.

(D) Insignificant Benefit - The proposed structure or nonexempt vegetation shades one or more of the following:

(1) An undevelopable area;

(2) The wall of an unheated space, such as a typical garage;

(3) Less than 20 square feet of south-facing glazing.

(E) Public Improvement - The proposed structure is a publicly owned improvement.

§ 39.4803 [11.15.6858] Adjustments to the Maximum Shade Point Height Standard

The Planning Director shall increase the maximum permitted height of the shade point determined using MCC 39.4801to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or both topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

(A) Physical Conditions - Physical conditions preclude development of the site in a manner that complies with MCC 39.4801, due to such things as a lot size less than 3000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right-of-way.

(B) Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards - A proposed structure may be sited to meet the solar balance point standard described in MCC 39.4805 or be sited as near to the solar balance point as allowed by MCC 39.4805, if:

(1) When the proposed structure is sited to meet the maximum shade point height standard determined using MCC 39.4801, its solar feature will potentially be shaded as determined using MCC 39.4804; and

(2) The application includes a form provided by the county that:

(a) Releases the applicant from complying with MCC 39.4801 and agrees that the proposed structure may shade an area otherwise protected by MCC 39.4801;

(b) Releases the county from liability for damages resulting from the adjustment;

(c) Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of MCC 39.4801.

(3) Before the county issues a permit for a proposed structure for which an adjustment has been granted pursuant to MCC 39.4803(B), the applicant shall file the form provided for in Subsection (B)2 above in the office of the County Recorder with the deeds to the affected properties.

§ 39.4804 [11.15.6860] Analysis of Allowed Shade on Solar Feature

(A) The applicant is exempt from MCC 39.4804 if the lot(s) south of and adjoining the applicant's property is exempt from MCC 39.4801.

(B) Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or nonexempt trees on lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:

(1) Existing structure(s) or non-exempt trees; or

(2) The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.

(C) The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.

(D) The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection (B) by using the following formula or Table B.

SFSH = SH (SGL/2.5)

Where:

SFSH = the allowed shadow height on the solar feature (see MCC 39.4813 Figure 8).

SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Section Table C.

SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south, see MCC 39.4813 Figure 7).

Table B. Maximum Permitted Height of Shadow at Solar Feature (In Feet)

Distance from Solar Gain Line to Lot Line (In Feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6

10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Table C may be used to determine (SH) in the above formula.

Table C													
North-South Lot Dimension of Adjacent Lot(s) to the South	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed Shade Height at the North Property Line of Adjacent Lot(s) to the South	12	12	12	13	14	15	16	17	18	19	20	21	22

(E) If the allowed shade height on the solar feature calculated in Subsection (D) is higher than the lowest height of the solar feature calculated in Subsection (C) the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

§ 39.4805 [11.15.6865] Solar Balance Point

If a structure does not comply with the maximum shade point height standard in MCC 39.4801 and the allowed shade on a solar feature standard in MCC 39.4804, then the solar balance point of the lot shall be calculated (see MCC 39.4813 Figure 8). The solar balance point is the point on the lot where a structure would most nearly comply with both of these standards, (i.e. the variation from both standards is minimized.).

§ 39.4806 [11.15.6868] Yard Setback Adjustment

The county shall grant an adjustment to the side, and/or rear yard setback requirement(s) by up to 50 percent and up to 25 percent to a front yard setback, if necessary to build a proposed structure so it complies with either the shade point height standard in MCC 39.4801, the allowed shade on a solar feature standard in MCC 39.4804, or the solar balance point standard in MCC 39.4805 as provided herein (see MCC 39.4813 Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of MCC 39.4790 through 39.4813. (The following list illustrates yard adjustments permitted under this section:)

(A) LR-5 Zone(s):

(1) A front yard setback may be reduced to not less than (15) feet.

(2) A rear yard setback may be reduced to not less than (7.5) feet.

(3) A side yard setback may be reduced to not less than (3) feet.

(B) LR-7 Zone(s):

(1) A front yard setback may be reduced to not less than (15) feet.

(2) A rear yard setback may be reduced to not less than (7.5) feet.

(3) A side yard setback may be reduced to not less than (3) feet.

§ 39.4807 [11.15.6870] Review Process

A Planning Director determination on a Building Permit request subject to the preceding Solar Balance Point Provisions (MCC 39.4798 through 39.4806) may be appealed as provided by MCC 39.1160.

§ 39.4808 [11.15.6875] Solar Access Permit Provisions

The purpose of MCC 39.4809 through 39.4812 is to protect solar access features on lots designated or used for a single family detached dwelling under some circumstances. It authorizes owners of such lots to apply for a permit that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittee's site.

§ 39.4809 [11.15.6878] Applicability

An owner or contract purchaser of property may apply for and/or be subject to a solar access permit for a solar feature if that property is in a LR-10, LR-7, LR-5, zone, or is or will be developed with a single family dwelling in any urban zone. The county's decision whether or not to grant a solar access permit is intended to be ministerial.

§ 39.4810 [11.15.6880] Approval Standards for a Solar Access Permit

The Planning Director shall approve an application for a solar access permit if the applicant shows:

(A) The application is complete;

(B) The Information it contains is accurate; and

(C) Non-exempt vegetation on the applicant's property does not shade the solar feature.

§ 39.4811 [11.15.6885] Duties Created by Solar Access Permit

(A) A party to whom the county grants a solar access permit shall:

(1) Record the permit, legal descriptions of the properties affected by the permit, the solar access height limit, and the site plan required in MCC 39.4812(C) with such modifications as required by the County Recorder, with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing;

(2) Install the solar feature in a timely manner; and

(3) Maintain non-exempt vegetation on the site so it does not shade the solar feature.

(B) An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping nonexempt vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on the site plan required in MCC 39.4812(C) (e.g., vegetation an owner shows was in the ground on the date an application for a solar access permit is filed, and solar friendly vegetation) are exempt from the solar access permit.

§ 39.4812 [11.15.6888] Application Contents

An application for a solar access permit shall contain the following information:

(A) A legal description of the applicant's lot and a legal description, owners' names, and owners' addresses for lots all or a portion of which are within 150 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The records of the County Tax Assessor shall be used to determine who owns property for purposes of an application. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may be affected.

(B) A scaled plan of the applicant's property showing:

(1) Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature.

(2) The approximate height above grade of the solar feature, its location, and its orientation relative to true south.

(C) A scaled plan of the properties on the list required in Subsection (A) above showing:

(1) Their approximate dimensions; and

(2) The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.

(D) For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit (see MCC 39.4813 Figure 11). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more than 54 degrees east and west of true south. Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow non-exempt vegetation on that lot whose height causes not more shade on the benefitted property than could be caused by a structure that complies with the Solar Balance Point Provisions for existing lots.

(E) The appropriate fee.

(F) If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted verifying that the vegetation shown on the plan submitted pursuant to subsection(C) above accurately represents vegetation in the ground on the date of the application. The county shall provide a form for that purpose. The signed statements provided for herein are permitted but not required for a complete application.

§ 39.4813 [11.15.6899] Definitions

As used in MCC 39.4790 through MCC 39.4812, the following terms and their derivations shall have the following meanings:

Crown Cover - The area within the drip line or perimeter of the foliage of a tree.

Development - Any short plat, partition, subdivision or planned unit development that is created under the county's land division or zoning regulations.

Exempt Tree or Vegetation - The full height and breadth of vegetation that the Planning Director has identified as solar friendly and listed in the Solar Friendly Tree Report, 1987; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.

Front Lot Line - For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (see Figure 1).

Non-Exempt Tree or Vegetation.- Vegetation that is not exempt.

Northern Lot Line - The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of the undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2).

North-South Dimension - The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).

Protected Solar Building Line - A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees (see Figure 10).

Shade - A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

Shade Point - The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth

ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point height will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

Shade Reduction Line - A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).

Shadow Pattern - A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12).

Solar Access Height Limit - A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit (see Figure 11).

Solar Access Permit - A document issued by the county that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

Solar Feature - A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use or collect solar energy is not a solar feature for purposes of MCC 39.4790 through 39.4812.

Solar Gain Line - A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot including lots separated only by a street, that intersects the solar feature on that lot (see Figure 7).

South or South Facing - True south, or 20 degrees east of magnetic south.

Sun Chart - One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30 minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

Undeveloped Area - An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or human-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Figure 1. Front Lot Line

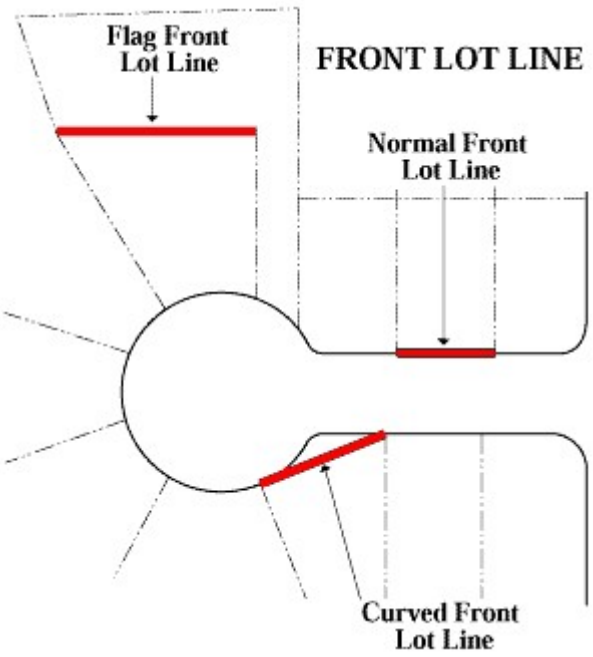


Figure 2. Northern Lot Line

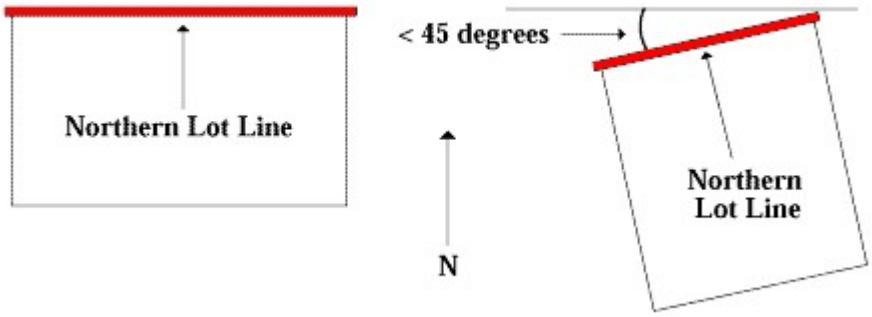


Figure 3. North-South Dimension of the Lot

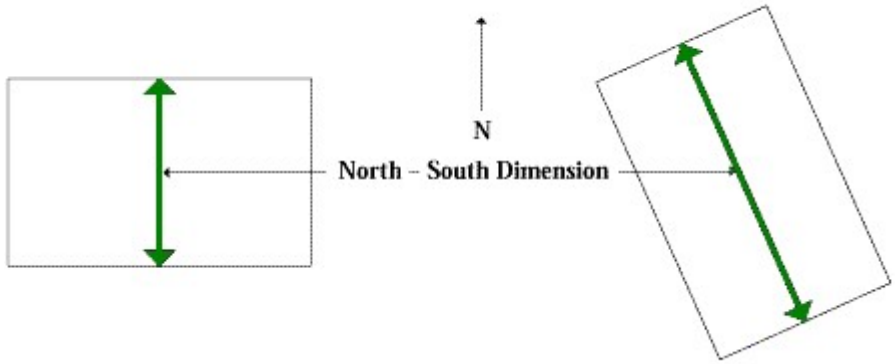


Figure 4. Height of the Shade Point of the Structure

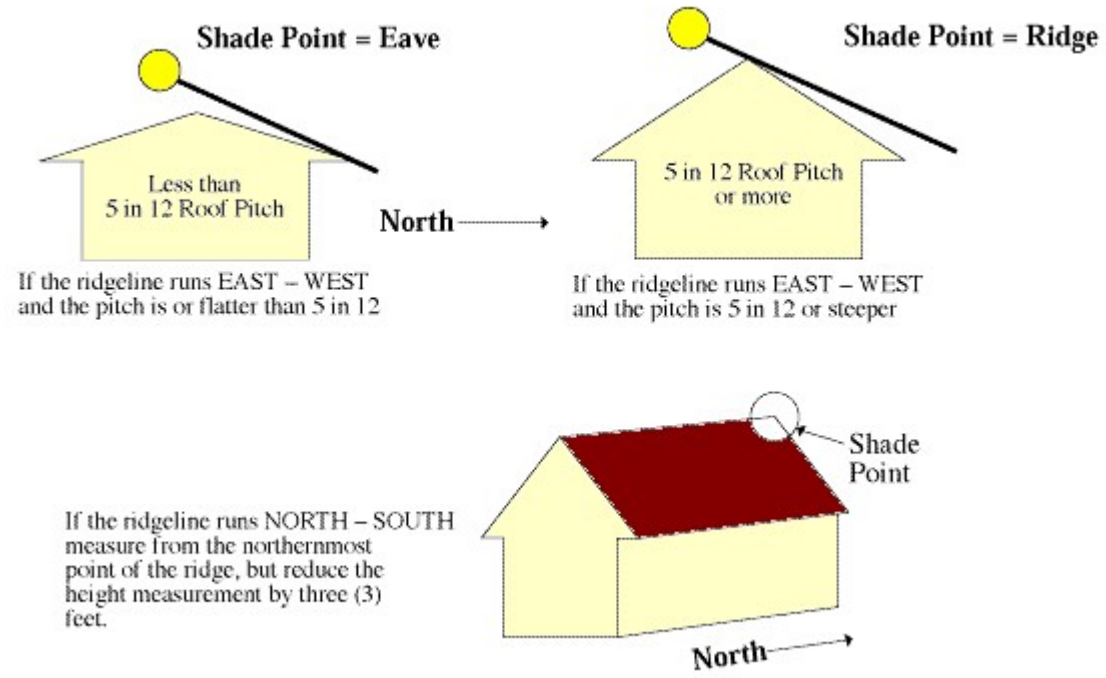


Figure 5. Shade Point Height

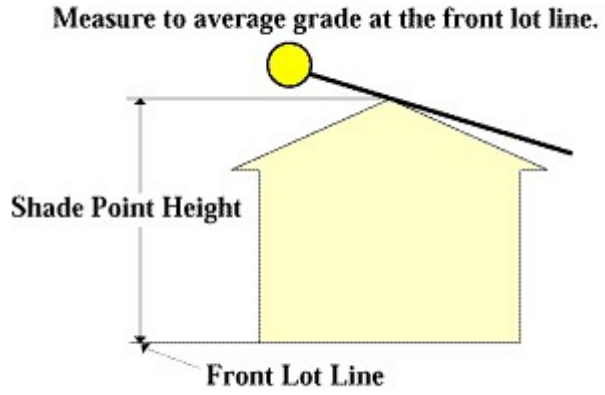


Figure 6. Shade Reduction Line

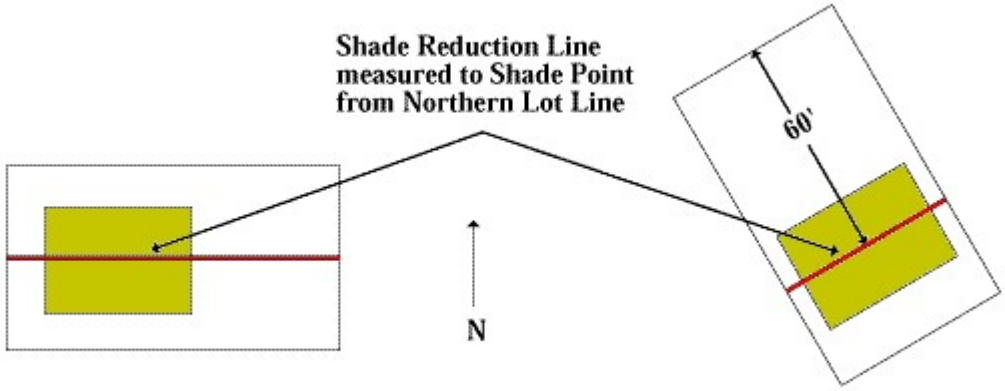


Figure 7. Solar Gain Line

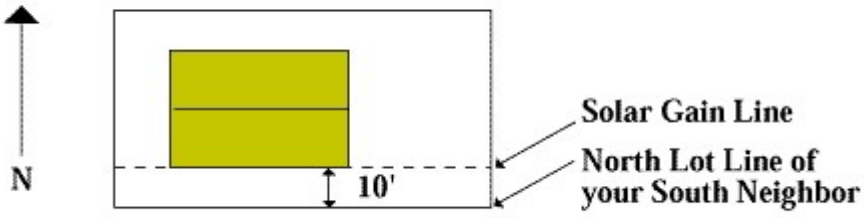


Figure 8. Solar Balance Point Standard

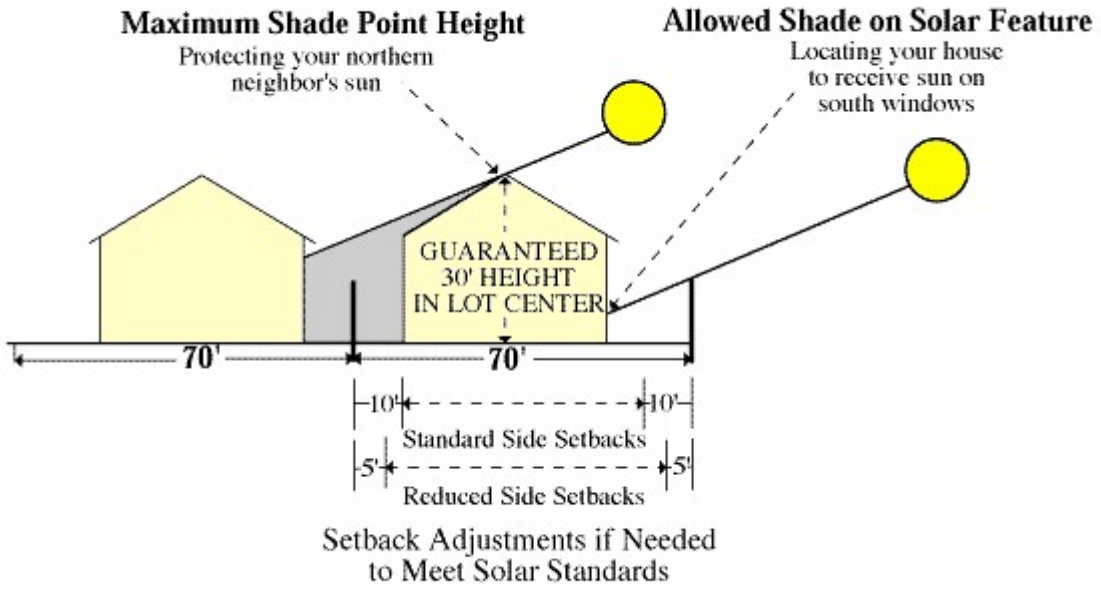


Figure 9. Solar Lot Option 1-Basic Requirements

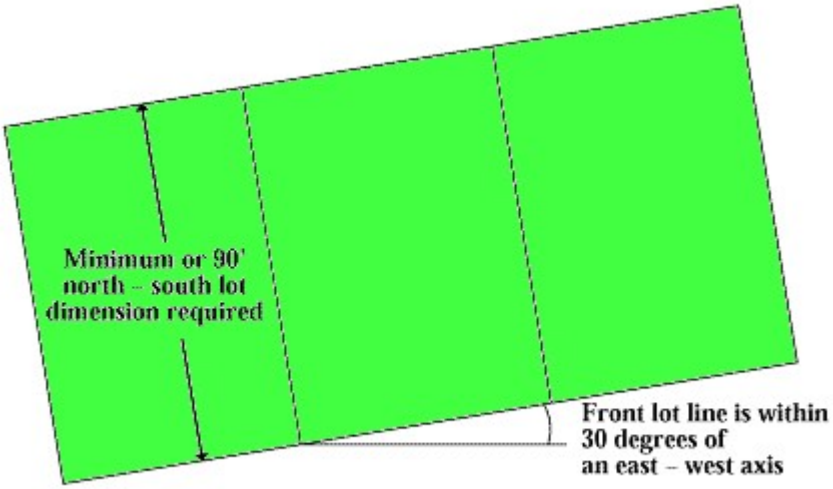


Figure 10. Solar Lot Option 2-Protected Solar Building Line

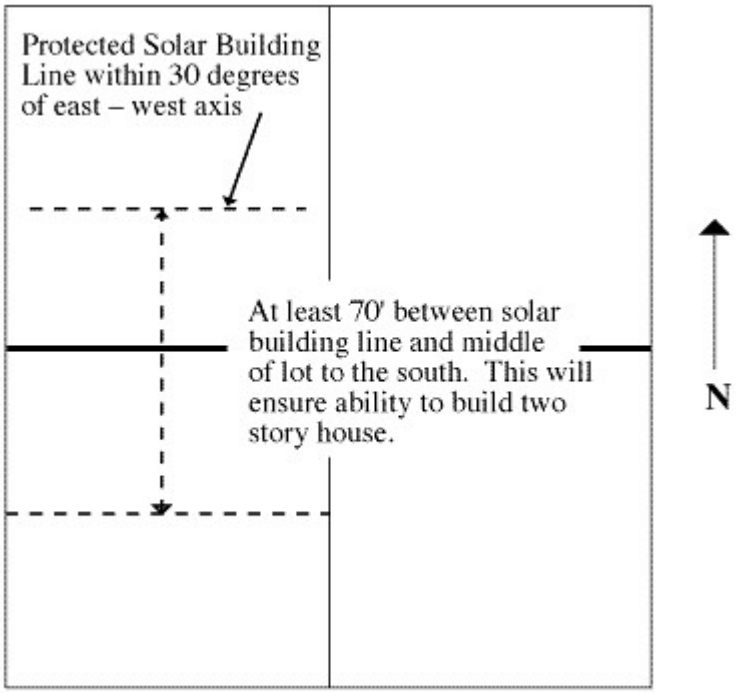


Figure 11. Solar Access Height Limit

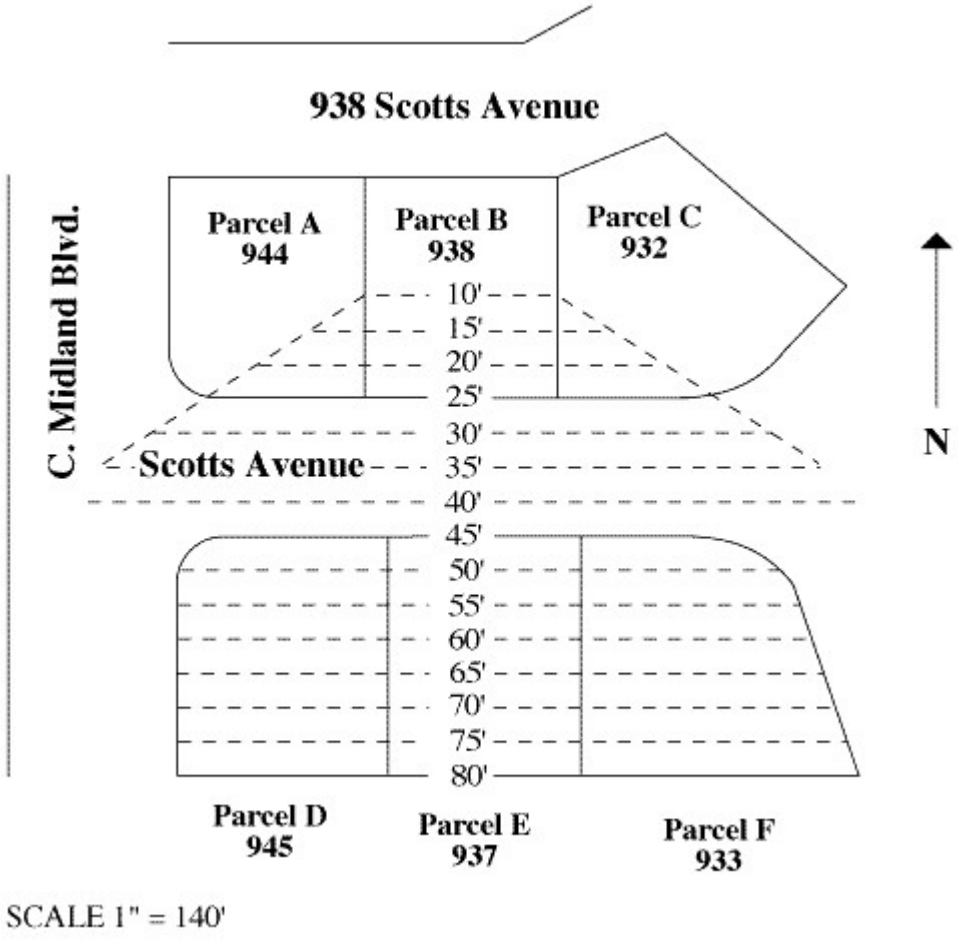
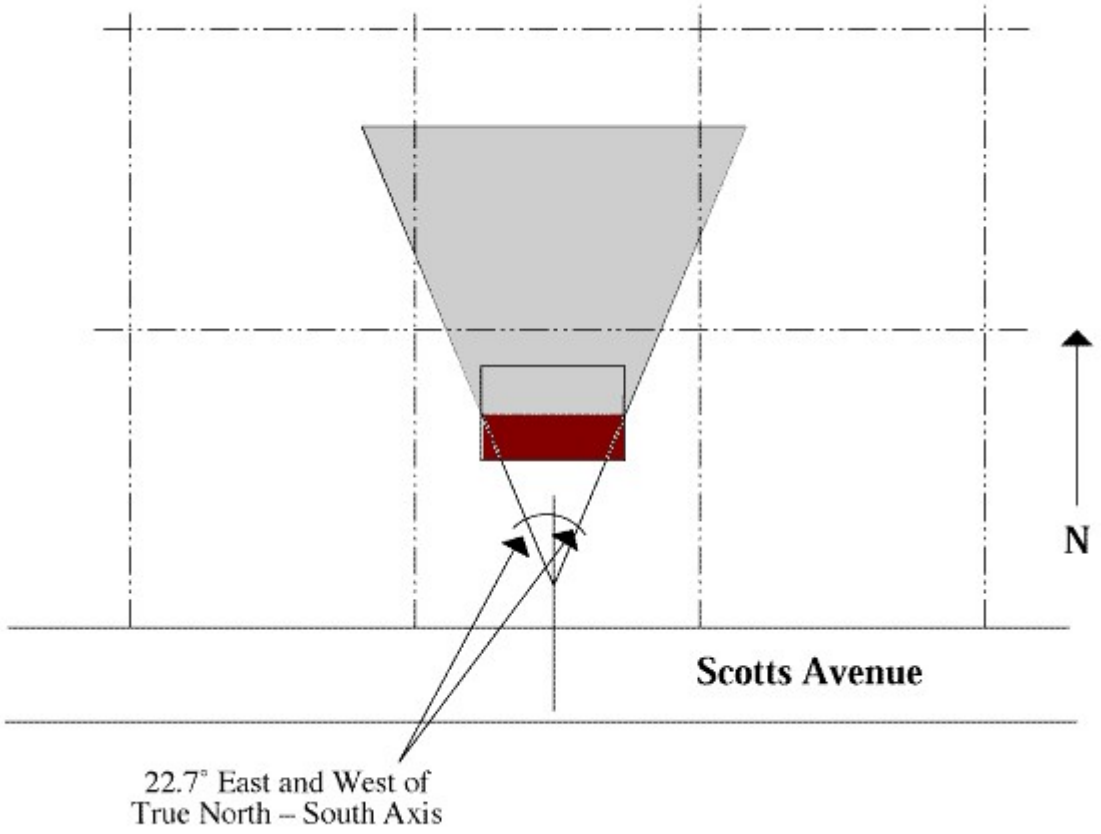


Figure 12. Shadow Pattern



4.D.5.b – Urban Low Density Residential – 5 Base Zone (LR-5)

§ 39.4818 This base zone is defined as Urban Low Density Residential base zone with a minimum lot size of 5,000 square feet for one dwelling. For purposes of this base zone, the Urban Low Density Residential base zones General Provisions (MCC 39.4778 through 39.4786) apply.

§ 39.4819 [11.15.2622] Area Affected

MCC 39.4819 through 39.4830 applies to those lands designated LR-5 on the Multnomah County Zoning Map.

§ 39.4820 [11.15.2624] Uses

Except as otherwise provided in this Chapter, no building, structure or land shall be used and no building or structure shall be hereafter no building, structure or land shall be used and no building or structure shall occur or be hereafter erected, altered or enlarged in this base zone

except for the uses listed in MCC 39.4822 through 39.4826 provided such uses occur on a Lot of Record.

§ 39.4822 [11.15.2626] Primary Uses

(A) Single family detached dwelling.

For the purposes of this Section, more than one single family detached dwelling may be located on a lot provided that all of the applicable dimensional requirements of this base zone are met for each such dwelling and its accessory uses.

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

(C) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

§ 39.4824 [11.15.2628] Uses Permitted Under Prescribed Conditions

The uses permitted subject to prescribed conditions for each use are:

(A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached, provided:

(1) The height or total ground floor area of accessory buildings shall not exceed the height or ground floor area of the main building on the same lot.

(2) If attached to the main building, an accessory building shall comply with the yard requirements of this base zone.

(3) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, a one-story accessory building may be located adjacent to or on a rear and/or side lot line not abutting on a street.

(4) A detached accessory building shall occupy no more than 25 percent of a required yard.

(B) Where the side of a lot abuts a commercial or industrial base zone, the following transitional uses are permitted, provided they extend not more than 100 feet into the LR-5 base zone and otherwise conform to all requirements of this Chapter which apply:

(1) A two-unit dwelling;

(2) A multiplex dwelling structure;

(3) A business or professional office or clinic;

(4) Parking, developed as required in MCC 39.6500 through 39.6600; and

(5) Other uses of a transitional nature as determined by the Planning Commission.

(C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office shall be maintained on the premises, and no poultry or livestock, other than normal household pets, shall be kept within 100 feet of any residence other than the dwelling on the same lot. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot;

(D) Except as otherwise authorized under Subsection (B) above or Part 7 of this Chapter, the parking or storage of not more than five motor vehicles per dwelling unit. Non-operating vehicles shall not be kept so as to be visible from a street;

(E) A two-unit dwelling, in compliance with the lot size requirement of MCC 39.4830(B), and the other applicable dimensional requirements of this base zone, provided the location is:

(1) A corner lot or a corner lot and adjoining lot under MCC 39.4782(H);

(2) A flag lot;

(3) A lot having sole access from an accessway approved under MCC 39.9000 through 39.9700; or

(4) A lot having access from a public street created under MCC 39.9000 through 39.9700, when not more than four such structures having access from the same public street are located within 200 feet of each other.

(F) A mobile home on an individual lot subject to the development standards of MCC 39.8600.

(G) Home occupations, as defined in MCC 39.2000.

(H) Temporary uses under the provisions of MCC 39.8700 and 39.8750.

(I) 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.

(J) Consolidation of Parcels and Lots pursuant to MCC 39.9200.

(K) Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

§ 39.4826 [11.15.2630] Conditional Uses

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

(A) Community Service Uses under the provisions of MCC 39.7500 through 39.7810;

(B) Conditional Uses under the provisions of Part 7 of this Chapter;

(C) A multiplex dwelling structure under the provisions of Part 7 of this Chapter, subject to the following findings and conditions:

(1) The proposal satisfies the applicable Comprehensive Plan Policies

-(2) Development will not increase the volume of traffic beyond the capacity of the public street serving the lot, as determined by the County Engineer; and

(3) Development will be in accordance with the locational requirements of MCC 39.4828.

(D) A mobile home park under the provisions of MCC 39.5300 through 39.5350; and

(E) Wholesale or retail sales of farm, horticultural or forest products raised or grown on the premises.

§ 39.4828 [11.15.2632] Multiplex Locational Requirements

(A) A multiplex dwelling structure approved under MCC 39.4826(C) may be located only on one of the following:

(1) A corner lot;

(2) A flag lot;

(3) A lot having sole access from an accessway approved under MCC 39.9000 through 39.9700; or

(4) A lot having access from a public street created under MCC 39.9000 through 39.9700, when not more than 12 multiplex dwelling units having access from the same public street are located within 250 feet of each other.

(B) Not more than six dwelling units shall be located in a multiplex dwelling structure approved under MCC 39.4826(C).

§ 39.4830 [11.15.2634] Dimensional Requirements and Development Standards

(A) Except as provided in MCC 39.3140(B) and 39.4782(A) and (B), the minimum lot size of a single family detached dwelling shall be 5,000 square feet.

(B) The minimum lot size for a two-unit dwelling shall be 9,000 square feet.

(C) The minimum lot size for a multiplex dwelling structure shall be 4,500 square feet for each dwelling unit.

(D) The minimum lot size for a mobile home under MCC 39.4824(F) shall be 5,000 square feet.

(E) The minimum front lot line length shall be 20 feet.

(F) The minimum lot width at the building line shall be 45 feet for an interior lot, and 50 feet for a corner lot.

(G) The maximum coverage shall be 50 percent.

(H) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
20	5	10	15

Maximum Structure Height ¬ 35 feet.

(1) In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of the established or required adjoining front yards.

(2) The side yard adjacent to an accessway created under MCC 39.9000 through 39.9700 may be reduced to five feet for a pre-existing structure, under the provisions of MCC 39.4782(B).

(3) The rear yard of a corner lot may be reduced to five feet, provided that the front yard is not less than 20 feet, the street side yard is not less than 10 feet, and the interior side yard is not less than 15 feet.

(4) The maximum height for a single family, duplex or multiplex dwelling on a flag lot or a lot having sole access from an accessway, private drive or easement shall be 25 feet, except that the maximum height may be 35 feet, provided:

(a) The proposed dwelling otherwise complies with the applicable dimensional requirements,

(b) A residential structure on any abutting lot either is located 50 feet or more from the nearest point of the subject dwelling, or exceeds 25 feet in height, and

(c) Windows 15 feet or more above grade shall not face dwelling unit windows or patios on any abutting lot unless the proposal includes a commitment to plant trees capable of mitigating direct views without loss of useful solar access to any dwelling unit, or that such trees exist and will be preserved.

(I) All exterior lighting shall comply with MCC 39.6850.

4.D.5.c – Urban Low Density Residential – Base Zone (LR-7)

§ 39.4848

This base zone is defined as Urban Low Density Residential Base zone with a minimum lot size of 7,000 square feet for one dwelling. For purposes of this base zone, the Urban Low Density Residential base zones General Provisions (MCC 39.4778 through 39.4786) apply.

§ 39.4849 [11.15.2602] Area Affected

MCC 39.4848.2602 through MCC 39.4862 applies to those lands designated LR-7 on the Multnomah County Zoning Map.

§ 39.4850 [11.15.2604] Uses

Except as otherwise provided in this Chapter, no building, structure or land shall be used and no building or structure shall be hereafter no building, structure or land shall be used and no building or structure shall occur or be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4852 through 39.4856 provided such uses occur on a Lot of Record.

§ 39.4852 [11.15.2606] Primary Uses

(A) Single family detached dwelling.

For the purposes of this Section, more than one single family detached dwelling may be located on a lot provided that all of the applicable dimensional requirements of this base zone are met for each such dwelling and its accessory uses.

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

(C) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

§ 39.4854 [11.15.2608] Uses Permitted Under Prescribed Conditions

The uses permitted subject to prescribed conditions for each use are:

(A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached, provided:

(1) The height or total ground floor area of accessory buildings shall not exceed the height or ground floor area of the main building on the same lot.

(2) If attached to the main building, an accessory building shall comply with the yard requirements of this base zone.

(3) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, a one-story accessory building may be located adjacent to or on a rear and/or side lot line not abutting on a street.

(4) A detached accessory building shall occupy no more than 25 percent of a required yard.

(B) Where the side of a lot abuts a commercial or industrial base zone, the following transitional uses are permitted, provided they extend not more than 100 feet into the LR-7 base zone and otherwise conform to all requirements of this Chapter which apply:

(1) A two-unit dwelling;

(2) A multiplex dwelling structure, when located in other than a "Developed Neighborhood", as designated in the Community Plan;

(3) A business or professional office or clinic;

(4) Parking, developed as required in MCC 39.6500 through 39.6600; and

(5) Other uses of a transitional nature as determined by the Planning Commission.

(C)Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office shall be maintained on the premises, and no poultry or livestock, other than normal household pets, shall be kept within 100 feet of any residence other than the dwelling on the same lot. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.

(D) Except as otherwise authorized under Subsection (B) above or Part 7 of this Chapter, the parking or storage of not more than five motor vehicles per dwelling unit. Non-operating vehicles shall not be kept so as to be visible from a street;

(E) A two-unit dwelling, provided all of the following conditions are satisfied:

(1) Located outside a "Developed Neighborhood" as designated in the Community Plan;

(2) The site is a corner lot or on a corner lot and an adjoining lot, under MCC 39.4782(H);

(3) Development is in compliance with the minimum lot size requirement of MCC 39.4862(B) and the other applicable dimensional requirements of this base zone; and

(4) Front entryways facing separate streets are provided.

(F) A two-unit dwelling, provided all of the following conditions are satisfied:

(1) Location is outside a "Developed Neighborhood" as designated in the Community Plan;

(2) The site is a flag lot or a lot having sole access from an accessway approved under MCC 39.9000 through 39.9700;

(3) Development will not increase the volume of traffic beyond the capacity of the public street serving the lot. The number of trips generated by the development shall be determined based on the average trip generation rate for the kind of development proposed as described in "Trip Generation" by the Institute of Traffic Engineers. The capacity of the street shall be determined based on the capacity described in the County Functional Classification System ~~and Community Plan Policies No. 34 and No. 36~~;

(4) Development will meet the following design standards for privacy:

(a) Lights from vehicles on the site and from outdoor fixtures shall not be directed or reflected onto adjacent properties. This may be accomplished by the layout of the development or by the use of sight obscuring landscaping or fences;

(b) Windows of the dwelling units shall face away from windows in existing adjacent dwelling structures;

(c) Balconies or outdoor private spaces shall be located so there are no direct views from them to windows or private spaces of dwellings on adjacent properties;

(d) Active recreational use structures, such as permanent basketball or volleyball standards shall be located outside of required side yards;

(5) The applicant shall file a plan showing existing trees of six-inch diameter measured five feet from the base of the tree and existing shrubs and hedges exceeding a height of five feet. The proposed development shall preserve these features unless they are:

(a) Located in the buildable portion of the lot;

(b) Located so as to eliminate useful solar access;

(c) Located in the only route by which access can be had to the site using driveways ten feet wide with a minimum of five feet of buffer on either side;

(d) Diseased, damaged beyond restoration, or otherwise a danger to the public, or

(e) Replaced by an equal amount of landscaping, under a bond posted to ensure replacement;

(6) Development will be in compliance with the lot size requirement of MCC 39.4862(B) and the other applicable dimensional requirements of this base zone.

(G) A mobile home on an individual lot subject to the development standards of MCC 39.8600.

(H) Home occupations, as defined in MCC 39.2000.

(I) Temporary uses under the provisions of MCC 39.8700 and 39.8750.

(J) 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.

(K) Consolidation of Parcels and Lots pursuant to MCC 39.9200.

(L) Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

§ 39.4856 [11.15.2610] Conditional Uses

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

(A) Community Service Uses under the provisions of MCC 39.7500 through 39.7810;

(B) Conditional Uses under the provisions of Part 7 of this Chapter;

(C) A multiplex or two-unit dwelling structure, under the provisions of Part 7 of this Chapter, subject to the following findings and conditions:

(1) The site is outside a "Developed Neighborhood" as designated in the Community Plan;

(2) The proposal satisfies ~~the~~ applicable ~~elements of~~ Comprehensive Plan Policies;

~~-~~(3) Development will not increase the volume of traffic beyond the capacity of the public street serving the lot, as determined by the County Engineer; and

(4) Development will be in accordance with the locational requirements of MCC 39.4858 or 39.4860, as appropriate.

(D) A mobile home park, under the provisions of MCC 39.5300 through 39.5350; and

(E) Wholesale or retail sales of farm, horticultural or forest products raised or grown on the premises.

§ 39.4858 [11.15.2612] Multiplex Locational Requirements

A multiplex dwelling structure approved under MCC 39.4856(C) may be located only on one of the following:

(A) A corner lot;

(B) A flag lot;

(C) A lot having sole access from an accessway approved under MCC 39.9000 through 39.9700; or

(D) A lot having access from a public street created under MCC 39.9000 through 39.9700, when not more than 12 multiplex dwelling units having access from the same public street are located within 250 feet of each other.

(E) Not more than six dwelling units shall be located in a multiplex dwelling structure approved under MCC 39.4856(C).

§ 39.4860 [11.15.2614] Two-Unit Dwelling Locational Requirements

A two-unit dwelling structure, approved under MCC 39.4856(C) may be located only on a lot having access from a public street created under MCC 39.9000 through 39.9700, when not more than four such structures having access from the same public street are located within 200 feet of each other.

§ 39.4862 [11.15.2616] Dimensional Requirements and Development Standards

(A) Except as provided in MCC 39.3140(B) and 39.4782(A) and (B), the minimum lot size of a single family detached dwelling shall be 7,000 square feet.

(B) The minimum lot size for a two-unit dwelling shall be 10,000 square feet.

(C) The minimum lot size for a multiplex dwelling structure shall be 5,000 square feet for each dwelling unit.

(D) The minimum lot size for a mobile home under MCC 39.4854(G) shall be 7,000 square feet.

(E) The minimum front lot line length shall be 30 feet.

(F) The minimum lot width at the building line shall be 60 feet.

(G) The maximum coverage shall be 40 percent.

(H) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
20	5	10	15

Maximum Structure Height ¬ 35 feet.

(1) In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of the established or required adjoining front yards.

(2) The side yard adjacent to an accessway created under MCC 39.9000 through 39.9700 may be reduced to five feet for a pre-existing structure, under the provisions of MCC 39.4782(B).

(3) The rear yard of a corner lot may be reduced to five feet, provided that the front and side yards are not less than 20 feet.

(4) The maximum height for a single family, duplex or multiplex dwelling on a flag lot or a lot having sole access from an accessway, private drive or easement shall be 25 feet, except that the maximum height may be 35 feet, provided:

(a) The proposed dwelling otherwise complies with the applicable dimensional requirements;

(b) A residential structure on any abutting lot either is located 50 feet or more from the nearest point of the subject dwelling, or 25 feet in height, and

(c) Windows 15 feet or more above grade shall not face dwelling unit windows or patios on any abutting lot unless the proposal includes a commitment to plant trees capable of mitigating direct views without loss of useful solar access to any dwelling unit, or that such trees exist and will be preserved.

(I) All exterior lighting shall comply with MCC 39.6850.

4.D.5.d – Urban Low Density Residential – 10 Base Zone (LR-10)

§ 39.4868 This base zone is defined as an Urban Low Density Residential Base zone with a minimum lot size of 10,000 square feet for one dwelling. For purposes of this base zone, the Urban Low Density Residential Base zones General Provisions (MCC 39.4778 through 39.4786) apply.

§ 39.4869 {11.15.2562} Area Affected

MCC 39.4868 through MCC 39.4878 applies to those lands designated LR-10 on the Multnomah County Zoning Map.

§ 39.4870 [11.15.2564] Uses

Except as otherwise provided in this Chapter, no building, structure or land shall be used and no building or structure shall be hereafter no building, structure or land shall be used and no building or structure shall occur or be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4872 through 39.4876 provided such uses occur on a Lot of Record.

§ 39.4872 [11.15.2566] Primary Uses

(A) Single family detached dwelling.

For the purposes of this Section, more than one single family detached dwelling may be located on a lot provided that all of the applicable dimensional requirements of this base zone are met for each such dwelling and its accessory uses.

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

(C) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

§ 39.4874 [11.15.2568] Uses Permitted Under Prescribed Conditions

The uses permitted subject to prescribed conditions for each use are:

(A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached, provided:

(1) The height or total ground floor area of accessory buildings shall not exceed the height or ground floor area of the main building on the same lot.

(2) If attached to the main building, an accessory building shall comply with the yard requirements of this base zone.

(3) If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot line, whichever is greater, a one-story accessory building may be located adjacent to or on a rear and/or side lot line not abutting on a street.

(4) A detached accessory building shall occupy no more than 25 percent of a required yard.

(B) Where the side of a lot abuts a commercial or industrial base zone, the following transitional uses are permitted, provided they extend not more than 100 feet into the LR-10 base zone and otherwise conform to all requirements of this Chapter which apply:

(1) A two-unit dwelling;

(2) A business or professional office or clinic;

(3) Parking, developed as required in MCC 39.6500 through 39.6600;

(4) Other uses of a transitional nature as determined by the Planning Commission.

(C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office shall be maintained on the premises, and no poultry or livestock, other than normal household pets, shall be kept within 100 feet of any residence other than the dwelling on the same lot. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot;

(D) Except as otherwise authorized under Subsection (B) above or Part 7 of this Chapter, the parking or storage of not more than five motor vehicles per dwelling unit. Non-operating vehicles shall not be kept so as to be visible from a street;

(E) A two-unit dwelling under the following circumstances:

(1) Located outside a "Developed Neighborhood" as designated in the Community Plan;

(2) On a corner lot or on a corner lot and an adjoining lot under MCC 39.4782(H);

(3) In compliance with the minimum lot size requirement of MCC 39.4878(B) and the other applicable dimensional requirements of this base zone; and

(4) With front entryways facing separate streets.

(F) Home occupations, as defined in MCC 39.2000.

(G) Temporary uses under the provisions of MCC 39.8700 and 39.8750.

(H) 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.

(I) Consolidation of Parcels and Lots pursuant to MCC 39.9200.

(J) Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

§ 39.4876 [11.15.2570] Conditional Uses

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

(A) Community Service Uses under the provisions of MCC 39.7500 through 39.7810;

(B) Conditional Uses under the provisions of Part 7 of this Chapter;

(C) Wholesale or retail sales of farm, horticultural or forest products raised or grown on the premises.

§ 39.4878 [11.15.2572] Dimensional Requirements

(A) Except as provided in MCC 39.3140(B) and 39.4782(A) and (B), the minimum lot size of a single family detached dwelling shall be 10,000 square feet.

(B) The minimum lot size for a two-unit dwelling shall be 12,000 square feet.

(C) The minimum front lot line length shall be 30 feet.

(D) The minimum lot width at the building line shall be 70 feet.

(E) The maximum coverage shall be 35 percent.

(F) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	10	20

Maximum Structure Height ¬ 35 feet.

(1) In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of the established or required adjoining front yards.

(2) The rear yard of a corner lot may be reduced to ten feet, provided that the front yard is not less than 30 feet and the side yards are not less than 20 feet.

(G) All exterior lighting shall comply with MCC 39.6850.

4.D.6 – Urban Medium Density Residential Base Zones General Provisions

§ 39.4900 [11.15.2684] Area Affected

MCC 39.4900 through MCC 39.4965 shall apply to those lands designated MR-4 on the Multnomah County Zoning Map.

§ 39.4901 [11.15.2686] Purposes

The purposes of the medium density residential base zone is to stabilize and improve existing residential neighborhoods; to encourage infill of available lands; to provide a choice of housing types and locations suitable for a greater range of lifestyles and economic levels of present and anticipated populations; to accommodate housing types which will relate well with existing neighborhood character and scale; to promote balanced and convenient residential areas having appropriate public improvements and services, and compatible non-residential activities which satisfy residents' needs, and contribute to area livability; to promote transit use; to promote land use patterns and building areas which take advantage of climatic conditions and means for energy efficiency; and to establish residential development standards which are consistent with the Comprehensive Plan.

§ 39.4905 [11.15.2690] Access

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3140(C).

§ 39.4910 [11.15.2692] Exceptions to Dimensional Requirements

(A) When a lot has been included in a future street plan approved under MCC 39.9445 through 39.9465, development of that lot, including area and setback requirements, shall be in compliance with the street and lotting pattern of that future street plan or approved revision thereof, under MCC 39.9470.

(B) In acting to approve a land division under MCC 39.9000 through 39.9700, the approval authority may grant an exception not to exceed ten percent of the lot area or 25 percent of any other dimensional requirement upon findings of the manner in which such exception will result in any of the following:

(1) More efficient use of the site;

(2) A greater degree of privacy, safety or freedom from noise, fumes or glare;

(3) An improved solar and climatic orientation;

(4) The preservation of natural features, where appropriate; or

(5) The provision of pedestrian circulation facilities, where needed.

(C) The side yard adjacent to an accessway created under MCC 39.9000 through 39.9700 may be reduced to five feet for a pre-existing structure, under the provisions of subsection (B) above.

(D) Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 30 inches. Fireplace chimneys may project into a required front, side or rear yard not more than two feet, provided the width of such side yard is not reduced to less than three feet.

(E) Open porches or balconies, not more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such porches may extend into a required front yard not more than 30 inches.

(F) The minimum yard requirement shall be increased to provide for street widening in the event a yard abuts a street having a width less than that specified for the functional classification in the Multnomah County Transportation System Plan.

(G) A fence, lattice work, screen, wall or similar feature with a maximum height of six feet may be located in any required yard; provided, however, that the maximum height shall be four feet if the feature is within 16 feet of a front property line or five feet of a street side property line.

(H) Except as provided in the LF base zone, chimneys, antennae or similar structures may exceed height maximums established by ordinance, if located at least 20 feet from any property line.

(I) A two-unit or an apartment dwelling may be located with attached units or adjoining lots. In such event, the minimum lot size and yard requirements shall apply to the units on each lot, except that no yard shall be required adjacent to the common property line.

(J) The land area dedicated without compensation for the widening or the extension of a public street may be included in calculating the number of dwelling units permitted on a lot in an Urban Medium Residential Base zone.

§ 39.4915 [11.15.2694] Off-Street Parking and Loading

Off street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

§ 39.4920 [11.15.2696] Signs

Signs may be permitted if approved pursuant to the provisions of MCC 39.6700 through 39.6820.

§ 39.4925 [11.15.2698] Lot Sizes for Conditional Uses

Except as otherwise established by this chapter, the lot site for a conditional use shall be determined at the time of approval of the use, based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impacts on nearby properties; and

(C) Consideration of the purposes of the base zone.

§ 39.4930 [11.15.2700] Single Family Dwelling Approval Criteria

(A) In approving a single family dwelling, the Planning Director shall find that:

(1) The area of contiguous undeveloped land in one ownership is insufficient to satisfy the lot area requirements of the base zone for more than one dwelling unit; and

(2) Topographic conditions, the absence of needed public services or other factors preclude the location of a greater number of dwelling units on the property.

(B) The decision of the Planning Director may be appealed to the Hearings Officer in the manner provided in MCC 39.1160.

(C) A single family dwelling existing or for which a permit was issued prior to July 26, 1979, shall be deemed conforming and not subject to the other provisions of this subsection or of MCC 39.8310.

§ 39.4935 [11.15.2710] Business or Professional Office or Clinic Approval Criteria

In approving a business or professional office as a conditional use the approval authority shall find that the proposal:

(A) Will satisfy ~~the~~ applicable ~~elements of~~ Comprehensive Plan Policies;

~~-~~(B) Will satisfy the development standards listed in MCC 39.4940;

(C) Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the:

(1) Livability,

(2) Value, and

(3) Development of abutting properties and the surrounding area; and

(D) Will satisfy the applicable dimensional and other requirements of the base zone.

§ 39.4940 [11.15.2712] Business or Professional Office or Clinic Development Standards

A business or professional office or clinic located as a transitional use or as a conditional use under the provisions of this Chapter shall comply with the other applicable requirements of this Chapter and the following:

(A) The use shall be located in a structure occupied by other permitted or authorized uses, or in a detached structure which is compatible with the character and scale of structures in the vicinity occupied by permitted uses; and

(B) Vehicular access, circulation, parking and loading shall be provided without conflict with similar facilities required for other uses on the same property.

§ 39.4955 [11.15.2719] Ambulance Service Substation as a Use Under Prescribed Conditions

An ambulance service substation may be approved by the Planning Director as a Use Under Prescribed Conditions when authorized by the base zone and found to comply with the following approval criteria:

(A) The ambulance substation shall be a single family detached residence which is occupied only by those associated with a work shift of the ambulance substation, or shall be another non-residential structure;

(B) The site of the ambulance substation shall have direct vehicular access to a major collector or arterial street, as designated by the County Functional Classification of Trafficways, or shall have direct vehicular access to another improved county street from which direct access can be had to a major collector or arterial without requiring ambulance vehicles to cross in front of properties zoned for or developed with single family residences other than the residence use by the substation;

(C) The use is limited to emergency call response vehicles and attendants, and attendants' on-duty living quarters only. The use shall not include customer billing or related administrative or office functions, personnel training, nor off-duty residential use;

(D) The occupancy of the substation structure shall be limited to not more than three employees or attendants per work shift, per emergency vehicle;

(E) The use is subject to the Design Review requirements of MCC 39.8000 through 39.8050. The Preliminary Design Review Plan shall incorporate the following features:

(1) Not more than two emergency vehicles shall be parked on the site and none shall be parked on abutting streets or properties. Parking spaces for emergency vehicles and staff vehicles shall be indicated on the Preliminary Design Review Plan and marked on the site, when improved;

(2) A sight-obscuring fence at least six feet in height or vegetation of equivalent or greater effect shall screen the emergency vehicle parking area from abutting properties which are developed with or designated for residential use;

(3) Not more than one sign shall be permitted. Any such sign shall be non-illuminated, shall have a surface area on one side of not more than two square feet, and shall be located in accordance with required setbacks but in no case closer than ten feet to any property line;

(4) The landscape requirements of MCC 39.8045(C);

(5) No outdoor sound amplification systems shall be installed on the site;

(6) Exterior lighting shall not be cast or reflected onto adjoining properties developed with or designated for residential use;

(7) The access drive to the site from the abutting public street shall be located and improved in accordance with the Multnomah County Road Rules and Design and Construction Manual promulgated under Ordinance No. 162;

(8) Emergency vehicles may use sirens only when traveling on a major collector or arterial street; and

(9) Dedications for widening of and improvements to public rights-of-way abutting the site of the substation shall be made by the applicant in accordance with the Multnomah County Road Rules and the Multnomah County Design And Construction Manual.

§ 39.4960 [11.15.2720] Design Review

Uses permitted in the Urban Medium Density Residential Base zone, except single-family or two-unit dwellings, mobile homes on individual lots and accessory buildings thereto, shall be subject to design review approval under MCC 39.8000 through 39.8050.

§ 39.4965 [11.15.2724] Residential Development in Unsewered Urban Areas

(A) In the event the maximum number of lots or dwelling units allowable under the Comprehensive Plan, MCC 39.9000 through 39.9700 and the dimensional or other requirements of the base zone is not possible due to Department of Environmental Quality subsurface sewage disposal limitations, the site development plan shall designate the manner in which the additional allowable units may be located on the property when public sewer service is available.

(B) Review and action on a site development plan required by this subsection shall be taken under the applicable procedures of MCC 39.9000 through 39.9700 or the Design Review or other zoning approval provisions of this Chapter.

(C) Approval of a site development plan required by this subsection shall be supported by findings that:

(1) Septic tanks or cesspools are permitted by the County Sanitarian and the Department of Environmental Quality for three or more lots per net acre or for lots of record; and

(2) The Comprehensive Plan identifies the land as having unique topographic or other natural features which make public sewer service impractical, but which is practical for large-lot homesites.

(D) Conditions of approval under this subsection shall include connection of all units except single family residences on lots of record, to a public sewer within 80 days of availability and may include the following among other things:

(1) The clustering of lots as interim building sites; or

(2) A plan for the future re-division of lots; or

(3) The reservation and interim use of portions of the site, pending the future location of additional dwelling units; or

(4) The installation of dry sewers at the time of initial development.

(E) A decision by the Planning Director on an application under this subsection may be appealed by the applicant to the Hearings Officer in the manner provided in MCC 39.1160.

4.D.6.a – Urban Medium Density Residential – 4 Base Zone (MR-4)

§ 39.4968 This base zone is defined as Urban Medium Density Residential Base zone with a density range from 7.2 to 10.9 dwelling units per acre.

For purposes of this base zone, the Urban Medium and High Density Residential Base zones General Provisions apply.

§ 39.4969 [11.15.2742] Area Affected

MCC 39.4969 through MCC 39.4990 applies to those lands designated MR-4 on the Multnomah County Zoning Map.

§ 39.4970 [11.15.2744] Uses

Except as otherwise provided in this Chapter, no building, structure or land shall be used and no building or structure shall be hereafter no building, structure or land shall be used and no building or structure shall occur or be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4975 through 39.4985 provided such uses occur on a Lot of Record.

§ 39.4975 [11.15.2746] Primary Uses

(A) A two-unit dwelling;

(B) A multiplex dwelling structure;

(C) A boarding, lodging or rooming house; and

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

(E) More than one dwelling structure or dwelling type may be located on a lot, provided that all of the dimensional and other requirements of this base zone are met for each such dwelling structure and type, as applicable.

(F) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.

§ 39.4980 [11.15.2748] Uses Permitted Under Prescribed Conditions

The uses permitted subject to prescribed conditions for each use are:

(A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling structure in design, whether attached or detached, provided:

(1) The height or total ground floor area of accessory buildings shall not exceed the height or total ground floor area of the main building(s) on the same lot;

(2) If attached to any main building, an accessory building shall comply with the yard requirements of this base zone;

(3) If detached and located behind the rear line of the rearmost main building, or a minimum of 50 feet from the front lot line, whichever is greater, any one-story accessory building may be located adjacent to or on a rear and/or side lot line not abutting on a street when in compliance with the Building Code; and

(4) A detached accessory building shall occupy no more than 25 percent of the required yard area in which it is located.

(B) Where the side of a lot abuts a commercial or industrial base zone other than LC, the following transitional uses are permitted, provided they extend not more than 100 feet into the MR-4 base zone and otherwise conform to all requirements of this Chapter which apply:

(1) A business or professional office or clinic, developed as provided under MCC 39.4940;

(2) Parking, developed as required in MCC 39.6500 through 39.6600; and

(3) Other uses of a transitional nature as determined by the Planning Commission.

(C) Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office shall be maintained on the premises, and no poultry or livestock, other than normal household pets, shall be kept on the lot.

(D) Except as otherwise authorized under Part 7 of this Chapter the parking or storage of not more than five motor vehicles per dwelling unit. Non-operating vehicles shall not be kept so as to be visible from a street.

(E) A single family detached dwelling, subject to the provisions of MCC 39.4930.

(F) A mobile home on an individual lot subject to the development standards of MCC 39.8600;

(G) Home occupations, as defined in MCC 39.2000.

(H) Temporary uses under the provisions of MCC 39.8700 and 39.8750.

(I) Ambulance service substations, subject to approval by the Planning Director when found to satisfy the approval criteria of MCC 39.4955.

(J) 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.

§ 39.4985 [11.15.2750] Conditional Uses

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

(A) Community Service Uses under the provisions of MCC 39.7500 through 39.7810;

(B) Conditional Uses under the provisions of Part 7 of this Chapter;

(C) A mobile home park subject to the approval criteria of MCC 39.8605 and the development standards of MCC 39.8610~~, and the requirements of MCC .8230(D)(3)~~;

(D) A business or professional office or clinic under the procedural provisions of Part 7 of this Chapter, the approval criteria of MCC 39.4935, and the development standards of MCC 39.4940; and

(E) Wholesale or retail sales of farm, horticultural or forest products, raised or grown on the premises.

§ 39.4990 [11.15.2752] Dimensional Requirements

(A) Except as provided in MCC 39.3140(B) and 39.4910(A) and (B), the minimum lot size for a single family detached dwelling shall be 4,500 square feet.

(B) The minimum lot size for a two-unit dwelling shall be 8,000 square feet.

(C) The minimum lot size for a multiplex dwelling structure shall be 4,000 square feet for each dwelling unit.

(D) The minimum lot size for a boarding, lodging or rooming house shall be 9,000 square feet.

(E) The minimum lot size for a mobile home on an individual lot shall be 4,500 square feet.

(F) The minimum lot size for a mobile home park shall be 4,000 square feet for each mobile home space.

(G) The minimum front lot line length shall be 20 feet.

(H) The minimum lot width at the building line shall be 45 feet for an interior lot and 50 feet for a corner lot.

(I) The maximum lot coverage shall be 40 percent.

(J) Minimum Yard Dimensions – Feet

	Front	Side	Street Side	Rear
Interior Lot	20	5	N/A	15
Corner Lot	20	5	10	15

Maximum Structure Height - 35 feet.

(1) The minimum yard and other setbacks for a mobile home park shall be as required under MCC 39.9610.

(2) In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for a single family detached or two-unit dwelling on an interior lot may be reduced to the average of the established or required adjoining front yards.

(3) The rear yard of a corner lot may be reduced to five feet, provided that the front yard is not less than 20 feet, the street side yard is not less than 10 feet and the interior side yard is not less than 15 feet.

(K) In the case of an apartment structure in this base zone, a yard equal to the structure height shall be provided between the structure in this base zone and any adjacent LR base zone lot line. In acting on a final design review plan under MCC 39.8030, the Planning Director may modify or waive this requirement upon a finding that the factors listed in MCC 39.8050(C)(1) are satisfied.