

## ATTACHMENT A.6

### CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE (Administrative Procedures)

*The following text is used within the proposed amendments:*

Double Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

Blue double underlined and ~~blue strikethrough~~ text = changes since the November 5, 2018 PC Hearing

#### Part 1 - Administration, Procedures, Enforcement, Permits and Fees

##### 1.B Procedures

##### § 39.1105 - SUMMARY OF DECISION MAKING PROCESSES.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
<u>Agricultural Fill</u>	<del>X</del>				
<u>Grading and Erosion Control</u> <u>Erosion and Sediment Control</u>	X				

##### § 39.4325 [33.2855] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

~~(J) 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 39.6200 through 39.6235.~~

~~(J)(K)~~ All exterior lighting shall comply with MCC 39.6850.

##### § 39.4375 [33.3155] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

~~(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 39.6200 through 39.6235.~~

~~(G)(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.

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

#### **§ 39.4475 [33.3355] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

~~(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 39.6200 through 39.6235.~~

~~(G)(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.

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

#### **§ 39.4525 [36.3355] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

~~(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 39.6200 through 39.6235.~~

~~(F)(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.

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

**§ 39.4575 [35.3355] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

~~(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 39.6200 through 39.6235.~~

~~(G)~~(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.

~~(H)~~(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.

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

**§ 39.4625 [36.3455] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

~~(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 39.6200 through 39.6235.~~

~~(F)~~(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.

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

**§ 39.4680 [36.3550] DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

~~(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 39.6200 through 39.6235.~~

~~(E)(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.

~~(G)(4)~~ All exterior lighting shall comply with MCC 39.6850.

## **5.H.9 – Wildlife Habitat (SEC-h)**

### **§ 39.5850 [33.4567] SEC-H CLEAR AND OBJECTIVE STANDARDS**

(A) At the time of submittal, the applicant shall provide the application materials listed in MCC 39.5520(A) and 39.5860(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in MCC 39.5860(B)(1) through (4)(a)-(c) and (B)(5) through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 39.5860 may be submitted.

(B) The proposed development shall meet the applicable stormwater ~~storm-water~~ and grading and erosion control ~~ground disturbing activity~~ requirements of MCC 39.6200~~10~~ through 39.6235. Ground disturbing ~~ingance~~ activity within 100 feet of a ~~waterecourse~~ water body as defined by MCC 39.2000 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.

### **§ 39.5860 [33.4570] CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT**

(e) **Location of mitigation area.** All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SEC-h overlay or in an area contiguous to the SEC-h overlay; provided, however, that if the vegetation is planted outside of the SEC-h overlay then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. (Note: an off-site mitigation option is provided in a streamlined discretionary review process). The mitigation area shall first be located within any existing non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.

(f) Prior to development, all work areas shall be flagged, fenced, or otherwise marked to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development.

(g) Trees shall not be used as anchors for stabilizing construction equipment.

(h) Native soils disturbed during development shall be conserved on the property.

(i) An erosion and sediment control plan shall be prepared in compliance with the ground disturbing activity ~~Grading and Erosion Control~~ standards set forth in MCC 39.6200~~10~~ through MCC 39.6235.

## **WIRELESS COMMUNICATIONS FACILITIES**

### **§ 39.7725 [36.6180] General Requirements**

(J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, ~~Grading and Erosion Control~~ ground disturbing activity, Flood Hazard, and Significant Environmental Concern.

### **§ 39.7740 [36.6183] Approval Criteria for lands not zoned Exclusive Farm Use.**

(b) The facility shall comply with ~~Grading and Erosion Control~~ ground disturbing activity regulations of MCC 39.6200 through 39.6235 when applicable;