

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 148

An Ordinance amending Ordinance No. 100, establishing new districts to regulate development in areas designated "Rural or Natural Resource" by the Multnomah County Comprehensive Framework Plan; establishing standards and administrative review procedures for developments in the Willamette River Greenway and designated Areas of Significant Environmental Concern; adding and revising certain other sections and defining terms; all for the purpose of implementing various provisions of the Comprehensive Framework Plan.

Multnomah County ordains as follows:

## SECTION 1

Ordinance No. 100 is amended by adding the following subsections:

### 1.145 COTTAGE INDUSTRY

A processing, assembling, packaging or storage industry, generally employing fewer than 20 persons, conducted wholly within an enclosed building located on a site isolated from other such uses, generating low traffic volumes and with little or no noise, smoke, odor, dust, glare or vibration detectable at any property line.

### 1.2106 FEED LOT

Any pen, corral or structure wherein livestock are maintained in close quarters for the purpose of fattening for market.

### 1.255 HISTORICAL BUILDING

Any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites, Buildings, and properties approved for nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

### 1.445 PLANNING DIRECTOR

The Director of the Division of Planning and Development or the Director's delegate.

## SECTION 2

The following subsections of Ordinance No. 100 are amended to read:

### 1.07 APARTMENT

Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

### 1.08 BASEMENT

That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

### 1.10 BOARDING, LODGING OR ROOMING HOUSE

Any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.

### 1.11 BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

### 1.13 BUILDING HEIGHT

The vertical distance above Grade as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

### 1.140 CELLAR

That portion of a building between floor and ceiling which is wholly or partly below grade, and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

1.17 DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

1.22 FLOOR AREA

The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

1.24 GRADE (Adjacent Ground Elevation)

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

1.53 STORY

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above.

If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

1.56 STRUCTURE

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

## SECTION 3

Subsection 3.10 of Ordinance No. 100 is amended to read:

### 3.10 EXCLUSIVE FARM USE DISTRICT EFU-38

#### 3.101 PURPOSES

The purposes of the Exclusive Farm Use District 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 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 supportive uses which are deemed appropriate.

#### 3.102 AREA AFFECTED

This subsection shall apply to those areas designated EFU-38 on the Multnomah County Zoning Map.

#### 3.103 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

##### 3.103.1 PRIMARY USES:

- a. Farm use, as defined in ORS 215.203(2)(a) (1977 Replacement Part), for the following purposes only:
  1. Raising and harvesting of crops;
  2. Feeding, breeding, managing and selling livestock;
  3. Dairying; or
  4. Any other agricultural or horticultural purpose or animal husbandry purpose or any combination thereof, except as provided in subsection 3.103.3b;
- b. The propagation or harvesting of forest products; and
- c. Residential use in conjunction with farm use, consisting of a single family dwelling constructed on a lot.

3.103.2 USES PERMITTED UNDER PRESCRIBED CONDITIONS:

- a. Residential use in conjunction with farm use, consisting of a single family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
  1. Construction shall comply with the standards of the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes.
  2. The dwelling shall be attached to a foundation for which a building permit has been obtained.
  3. The dwelling shall have a minimum floor area of 600 square feet.
- b. Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in subsection 3.103.1.a. or c. when the dwelling occupies the same lot as a residence permitted by subsections 3.103.1.c or 3.103.2.a, subject to the following conditions:
  1. In the event the dwelling is constructed off-site, construction shall comply with subparagraphs a.1. and 3. of this subsection.
  2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
    - (a) the use is needed to carry out a use listed in subsection 3.103.1.a. or c.
    - (b) the standards of subsection 3.104.b are satisfied; and
    - (c) the minimum distance between dwellings will be 20 feet.

The decision of the Director may be appealed to the Board of Adjustment pursuant to subsections 12.38 and 12.39.

3.103.3 CONDITIONAL USES:

- a. The following uses may be permitted when approved by the Hearings Council pursuant to the provisions of Section 7.00:
  1. Public or private schools;
  2. Churches;
  3. Utility facilities including those for the purpose of generating power for public use by sale;

4. Operations for the exploration of geothermal resources as defined in ORS 522.005;
  5. Private parks, playgrounds, hunting and fishing preserves and campgrounds;
  6. Parks, playgrounds, or community centers owned and operated by a governmental agency or non-profit community organization; and
  7. Golf courses.
- b. The following uses may be permitted when approved by the Hearings Council pursuant to the provisions of Section 7.50:
1. Commercial activities that are in conjunction with farm use;
  2. 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 resources or other subsurface resources;
  3. Residential use not in conjunction with farm use, consisting of a single family dwelling, including a mobile or modular home, upon a finding that the dwelling:
    - (a) is compatible with farm uses described in paragraph (a) of subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;
    - (b) does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use;
    - (c) does not materially alter the stability of the overall land use pattern of the area;
    - (d) is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
    - (e) complies with subparagraphs 1., 2., and 3., of subsection 3.103.2.a if constructed off-site; and
    - (f) complies with such other conditions as the Council considers necessary.

4. Raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
5. Feed lots;
6. Raising of four or more swine over three months of age;
7. Raising of fur-bearing animals for sale at wholesale or retail;
8. Home occupations pursuant to provisions of ORS 215.213(2) (h) (1977 Replacement Part);
9. Facilities for the primary processing of forest products, pursuant to ORS 215.213(2) (i) (1977 Replacement Part); and
10. The boarding of horses for profit.

#### 3.103.4 ACCESSORY USES

The uses or structures incidental and accessory to the uses permitted under subsection 3.103.1 through 3.103.3 are:

- a. Structures such as garages, carports, studios, pergolas, private workshops, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;
- b. Structures or fenced runs for the shelter or confinement of poultry or livestock;
- c. Signs, pursuant to the provisions of subsection 3.106;
- d. Off-street parking and loading; and
- e. Other structures or uses customarily incidental to any use permitted or approved in this district.

#### 3.104 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.104.1, 3.104.2, and 3.104.3, the minimum lot size shall be 38 acres.
  1. 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.

Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - Feet			
	Stories	Feet	Front	Side	Street Side	Rear
50 feet	2-1/2	35	30	10	30	30

1. 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.
2. 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.

#### 3.104.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit the creation of a lot of less than 38 acres, after the effective date of Ordinance No. 148, when in compliance with the requirements of subsection 3.104.b. Any exception shall be based on findings that the proposal will:

- a. substantially maintain or support the character and stability of the overall land use pattern of the area;
- b. be situated upon land generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and location or size of the tract;
- c. be compatible with accepted farming practices on adjacent lands;
- d. be consistent with the purposes described in Section 3.101;
- e. satisfy the applicable standards of water supply, sewage disposal, and minimum access; and
- f. not require public services beyond those existing or programmed for the area.

3.104.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.

3.104.12 The Hearings Council 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 subsection 3.101.

3.104.13 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 district; provided that the decision of the Director may be appealed to the Hearings Council pursuant to subsections 12.38 and 12.39.

### 3.104.2 LOT OF RECORD

- a. For the purposes of this district, a Lot of Record is a parcel of land:
  1. for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to the effective date of Ordinance No. 148 ; and
  2. which, when established, satisfied all applicable laws.
- b. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
  1. 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 district. 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.

Nothing in this subsection shall be deemed to alter or amend the other provisions of this Ordinance.

### 3.104.3 LOT SIZE FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsections 3.103.3.a, and b.2, 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 district.

- 3.104.4 Except as otherwise provided by subsections 3.104.1 and 3.104.2, 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 district.

### 3.105 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as required by Section 6.20.

### 3.106 SIGNS

Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:

- a. A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;
- b. A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet; and
- c. Not more than two signs, with a combined area of no more than 18 square feet, advertising those commercial activities in conjunction with farm use approved pursuant to the provisions of subsection 3.103.3.b.1.

### 3.107 ACCESS

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Council to be safe and convenient for pedestrians and for passenger and emergency vehicles.

### 3.108 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

- 3.108.1 A single family dwelling not in conjunction with farm use, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75.
- 3.108.2 Conditional uses listed in subsection 3.103.3, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75, provided, however, that any change of use shall be subject to approval pursuant to the provisions of subsection 3.103.3.
  - a. The term "change of use", as used in subsection 3.108.2, means the change from one conditional use listed in subsection 3.103.3 to another such conditional use.

## SECTION 4

Ordinance No. 100 is amended by adding subsection 3.11, as follows:

### 3.11 COMMERCIAL FOREST USE DISTRICT CFU-38

#### 3.111 PURPOSES

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber, and the production of wood fibre 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 assure the orderly and planned development of public and private recreational and other uses which are compatible with forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

#### 3.112 AREA AFFECTED

This subsection shall apply to those lands designated CFU-38 on the Multnomah County Zoning Map.

#### 3.113 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

##### 3.113.1 PRIMARY USES

- a. Forest uses 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) (1977 Replacement Part), for the following purposes only:
  1. Raising and harvesting of 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 subsection 3.113.3.b;
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources; and
- e. Residential use consisting of a single-family dwelling constructed on a lot.

#### 3.113.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
  1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
  2. The dwelling shall be attached to a foundation for which a building permit has been obtained.
  3. The dwelling shall have a minimum floor area of 600 square feet.
- b. Residential use consisting of a single-family dwelling, for the housing of help required to carry out a primary use listed in subsection 3.113.1.a. or c. when the dwelling occupies the same lot as a residence permitted by subsections 3.113.1.e. or 3.113.2.a. subject to the following conditions:
  1. In the event the dwelling is constructed off-site, construction shall comply with subparagraphs a.1. and 3. of this subsection.
  2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
    - (a) the use is needed to carry out a use listed in subsection 3.113.1.a. or c.
    - (b) the standards of subsections 3.114.b. are satisfied; and
    - (c) the minimum distance between dwellings will be 20 feet.

The decision of the Director may be appealed to the Board of Adjustment pursuant to subsections 12.38 and 12.39.

- c. Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicinity, subject to the following condition:

- 1. The location and design of any building, stand or sign in conjunction with wholesale and 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

### 3.113.3 CONDITIONAL USES

The following uses may be permitted with found by the Hearings Council to satisfy the applicable ordinance standards:

- a. Community Service Uses pursuant to the provisions of Section 7.00.
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
  - 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. Wood processing operations other than those specified in subsection 3.113.1.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;
  - 7. Commercial dog kennels; and
  - 8. Aircraft landing areas, in conjunction with forestry practices, notwithstanding the provisions of Section 6.10.

### 3.113.4 ACCESSORY USES

- a. Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:

1. A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;
  2. A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet; and
  3. Not more than two signs, with a combined area of not more than 18 square feet, advertising the sale of products pursuant to the provisions of subsection 3.113.2.c;
- 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 district.

#### 3.113.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

#### 3.114 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.114.1 and 3.115, the minimum lot size shall be 38 acres.
  1. 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.

b.	Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - Feet				
		Stories	Feet	Front	Side	Street Side	Rear	
	50 feet	2-1/2	35	30	10	30	30	

1. 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.
2. Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements if located at least 30 feet from any property line.

3.114.1 LOT OF RECORD

- a. For the purposes of this district, a Lot of Record is a parcel of land:
  1. for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to the effective date of Ordinance No. 148; and
  2. which, when established, satisfied all applicable laws.
- b. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
  1. 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 of front lot line minimums of this district. 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.

Nothing in this subsection shall be deemed to alter or amend the other provisions of this ordinance.

- 3.114.2 Except as otherwise provided by subsections 3.114.1.b. and 3.115, no sale or conveyance of any portion of a lot, other than for 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 size or width requirements of this district.

3.115 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.113.3 shall be based upon:

- a. 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 district.

3.116 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by Section 6.20.

3.117 ACCESS

Any lot in this district shall abut a street, or shall have other access deemed by the Hearings Council to be safe and convenient for pedestrians and for passenger and emergency vehicles.

3.118 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.118.1 Conditional uses listed in subsection 3.113.3, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75 provided, however, that any change of use shall be subject to approval pursuant to the provisions of subsection 3.113.3.

- a. The term "change of use", as used in subsection 3.118.1, means the change from one conditional use listed in subsection 3.113.3 to another such conditional use.

## SECTION 5

Ordinance No. 100 is amended by adding subsection 3.13, as follows:

### 3.13 MULTIPLE USE AGRICULTURE DISTRICT MUA-20

#### 3.131 PURPOSES

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural 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 natural resource base, the character of the area, and the applicable County policies.

#### 3.132 AREA AFFECTED

This subsection shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

#### 3.133 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

##### 3.133.1 PRIMARY USES

- a. Farm uses, as defined in ORS 215.203(2) (a) (1977 Replacement Part), 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 subsection 3.133.3.b;
- b. The propagation or harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a lot; and
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.

### 3.133.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
  - 1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
  - 2. The dwelling shall be attached to a foundation for which a building permit has been obtained.
  - 3. The dwelling shall have a minimum floor area of 600 square feet.
- b. Residential use consisting of a single-family dwelling, for the housing of help required to carry out a primary use listed in subsection 3.133.1.a. or b. when the dwelling occupies the same lot as a residence permitted by subsections 3.133.1.c. or 3.133.2., subject to the following conditions:
  - 1. In the event the dwelling is constructed off-site, construction shall comply with subparagraphs a.1. and 3. of this subsection.
  - 2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
    - (a) the use is needed to carry out a use listed in subsection 1.133.1.a. or b.
    - (b) the standards of subsection 3.134.b. are satisfied; and
    - (c) the minimum distance between dwellings will be 20 feet.

The decision of the Director may be appealed to the Board of Adjustment pursuant to subsections 12.38 and 12.39.

- c. Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, subject to the following condition:
  - 1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

### 3.133.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
  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.
- c. The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:
  1. Rural planned developments for single-family residences as provided in Section 7.10; and
  2. Pursuant to the provisions of Section 7.50:
    - (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.

#### 3.133.4 ACCESSORY USES

- a. Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:
  1. A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;
  2. A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet; and
  3. Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of products pursuant to the provisions of subsection 3.133.2.c.
- 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 district.

#### 3.133.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

#### 3.134 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.134.1, 3.134.2, 3.135 and 7.104.1, the minimum lot size shall be 20 acres.
  1. 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.

Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - Feet			
	Stories	Feet	Front	Side	Street Side	Rear
50 feet	2-1/2	35	30	10	30	30

1. 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.

2. 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.

#### 3.134.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit the creation of a lot of less than 20 acres, after the effective date of Ordinance No. 148, when in compliance with the requirements of subsection 3.134.b. Any exception shall be based on findings that the proposal will:

- a. substantially maintain or support the character and stability of the overall land use pattern of the area;
- b. be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain,, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the purposes described in subsection 3.131;
- e. satisfy the applicable standards of water supply, sewage disposal, and minimum access; and
- f. not require public services beyond those existing or programmed for the area.

3.134.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.

3.134.12 The Hearings Council 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 subsection 3.131.

3.134.13 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 district; provided that the decision of the Director may be appealed to the Hearings Council pursuant to subsections 12.38 and 12.39.

#### 3.134.2 LOT OF RECORD

- a. For the purposes of this district, a Lot of Record is a parcel of land:
  1. for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to the effective date of Ordinance No. 148 ; and

2. which, when established, satisfied all applicable laws.

b. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

c. Separate Lots of Record shall be deemed created when street or zoning district boundary intersects a parcel of land.

3.134.3 Except as otherwise provided by subsections 3.134.1, 3.135, and 7.104.1, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

### 3.135 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.133.3, except subparagraph c.1, 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 district.

### 3.136 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by Section 6.20.

### 3.137 ACCESS

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Council to be safe and convenient for pedestrians and for passenger and emergency vehicles.

### 3.138 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.138.1 Conditional Uses listed in subsection 3.133.3, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- a. any change from one conditional use listed in subsection 3.133.3 to another such conditional use, shall be subject to approval pursuant to the provisions of subsection 3.133.3; and
- b. any alteration of such conditional use listed in subsection 3.133.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

## SECTION 6

Subsection 3.14 of Ordinance No. 100 is amended to read:

### 3.14 MULTIPLE USE FOREST DISTRICT MUF-20

#### 3.141 PURPOSES

The purposes of the Multiple Use Forest District 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.

#### 3.142 AREAS AFFECTED

This subsection shall apply to those lands designated MUF-20 on the Multnomah County Zoning Map.

#### 3.143 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

##### 3.143.1 PRIMARY USES

- a. Forestry 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) (1977 Replacement Part), 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 subsection 3.143.3.b.
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources; and
  - e. Residential use consisting of a single-family dwelling constructed on a lot.

3.143.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
  1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
  2. The dwelling shall be attached to a foundation for which a building permit has been obtained.
  3. The dwelling shall have a minimum floor area of 600 square feet.
- b. Residential use consisting of a single-family dwelling, for the housing of help required to carry out a primary use listed in subsection 3.143.1.a. or c. when the dwelling occupies the same lot as a residence permitted by subsections 3.143.1.e or 3.143.2.a., subject to the following conditions:
  1. In the event the dwelling is constructed off-site, construction shall comply with subparagraph a.1. and 3. of this subsection.
  2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
    - (a) the use is needed to carry out a use listed in subsection 3.143.1.a. or c;
    - (b) the standards of subsection 3.144.b. are satisfied; and
    - (c) the minimum distance between dwellings will be 20 feet.

The decision of the Director may be appealed to the Board of Adjustment pursuant to subsections 12.38 and 12.39.

- c. Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, subject to the following condition:
  - 1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

### 3.143.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
  - 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 sub-surface resources;
  - 2. Commercial processing of forest products, primarily grown in the region, other than as specified in subsection 3.143.1.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.
- c. The following Conditional Uses may be permitted upon findings in addition to those required by Section 7.50, that:
  - 1. the capability of the land for resource production is maintained;
  - 2. the use will neither create nor be affected by any hazards; and

3. access for fire protection of timber is assured:
  - (a) Rural planned developments for single-family residences as provided in Section 7.10; and
  - (b) Pursuant to the provisions of Section 7.50:
    - (1) Cottage industries;
    - (2) Limited rural service commercial uses, such as local stores, shops, offices, repair services, and similar uses; and
    - (3) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches, and similar uses.

#### 3.143.4 ACCESSORY USES

- a. Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:
  1. A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;
  2. A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet; and
  3. Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of products pursuant to the provisions of subsection 3.143.2.c.
- 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 district.

#### 3.143.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

#### 3.144 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.144.1, 3.144.2, 3.145, and 7..04.1, the minimum lot size shall be 20 acres.

1. 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.

b.

Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - Feet			
	Stories	Feet	Front	Side	Street Side	Rear
50 feet	2-1/2	35	30	10	30	30

1. 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.
2. 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.

#### 3.144.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than 20 acres, after the effective date of Ordinance No. 148, when in compliance with the dimensional requirements of subsection 3.144.b. Any exception shall be based on findings that the proposal will:

- a. substantially maintain or support the character and stability of the overall land use pattern of the area;
- b. be situated upon land generally unsuitable for 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;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the purposes described in subsection 3.141;
- e. satisfy the applicable standards of water supply, sewage disposal and minimum access; and
- f. not require public services beyond those existing or programmed for the area.

- 3.144.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.

- 3.144.12 The Hearings Council 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 subsection 3.141.
- 3.144.13 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 district; provided that the decision of the Director may be appealed to the Hearings Council pursuant to subsections 12.38 and 12.39.

3.144.2 LOT OF RECORD

- a. For the purposes of this district, a Lot of Record is a parcel of land:
  1. for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to the effective date of Ordinance No. 148; and
  2. which, when established, satisfied all applicable laws.
- b. A Lot of Record which has less than the area of front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- c. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.

- 3.144.3 Except as otherwise provided by subsections 3.144.1, 3.145, and 7.104.1, no sale or conveyance of any portion of a lot, other than for 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 district.

3.145 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.143.3, except subparagraph c.1, 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 district.

3.146 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by Section 6.20.

3.147 ACCESS

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Council to be safe and convenient for pedestrians and passenger and emergency vehicles.

3.148 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.148.1 Conditional Uses listed in subsection 3.143.3, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- a. Any change from one conditional use listed in subsection 3.143.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.143.3; and
- b. Any alteration of such conditional use listed in subsection 3.143.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

## SECTION 7

Subsections 3.15 through 3.1543 of Ordinance No. 100 are consecutively renumbered as Subsections 3.17 through 3.1743, and a new Subsection 3.15 is added to read as follows:

### 3.15 RURAL RESIDENTIAL DISTRICT RR

#### 3.151 PURPOSES

The purposes of the Rural Residential District 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.

#### 3.152 AREA AFFECTED

This subsection shall apply to those lands designated RR on the Multnomah County Zoning Map.

#### 3.153 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

##### 3.153.1 PRIMARY USES

- a. Farm use, as defined in ORS 215.203(2) (a) (1977 Replacement Part), 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 subsection 3.153.3.b.
- b. The propagation or harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a lot; and
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.

### 3.153.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
  1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
  2. The dwelling shall be attached to a foundation for which a building permit has been obtained.
  3. The dwelling shall have a minimum floor area of 600 square feet.
- b. Residential use consisting of a single-family dwelling for the housing of help required to carry out a primary use listed in subsection 3.153.1.a. or b. when the dwelling occupies the same lot as a residence permitted by subsections 3.153.1.c. or 3.153.2.a., subject to the following conditions:
  1. In the event the dwelling is constructed off-site, construction shall comply with subparagraphs a.1. and 3. of this subsection.
  2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
    - (a) the use is needed to carry out a use listed in subsection 3.153.1.a. or b;
    - (b) the standards of subsection 3.154.b. are satisfied; and
    - (c) the minimum distance between dwellings will be 20 feet.
- c. Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:
  1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

The decision of the Director may be appealed to the Board of Adjustment pursuant to subsections 12.38 and 12.39.

### 3.153.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following conditional uses pursuant to the provisions of Section 7.50:
  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; and
  7. Commercial dog kennels.
- c. The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III Soils:
  1. Rural planned developments for single-family residences as provided in Section 7.10; and
  2. Cottage industries, pursuant to the provisions of Section 7.50.

### 3.153.4 ACCESSORY USES

- a. Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:
  1. A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;

2. A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet; and
3. Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of agricultural products pursuant to the provisions of subsection 3.153.2.c.

- 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 district.

3.153.5 TEMPORARY USES, when approved pursuant to subsections 12.71 and 12.72.

#### 3.154 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.154.1, 3.154.2, 3.155, and 7.104.1, the minimum lot size shall be 5 acres.
1. 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.

Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - Feet			
	Stories	Feet	Front	Side	Street Side	Rear
50 feet	2-1/2	35	30	10	30	30

1. 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 requirements not otherwise established by ordinance.
2. 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.

#### 3.154.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than 5 acres, after the effective date of Ordinance No. 148, when in compliance with the dimensional requirements of subsection 3.154.b. Any exception shall be based on findings that the proposal will:

- a. substantially maintain or support the character and stability of the overall land use pattern of the area;
  - b. be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
  - c. be compatible with accepted farming or forestry practices on adjacent lands;
  - d. be consistent with the purposes described in subsection 3.151;
  - e. satisfy the applicable standards of water supply, sewage disposal and minimum access; and
  - f. not require public services beyond those existing or programmed for the area.
- 3.154.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.
- 3.154.12 The Hearings Council 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 subsection 3.131.
- 3.154.13 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 district; provided that the decision of the Director may be appealed to the Hearings Council pursuant to subsections 12.38 and 12.39.
- 3.154.2 LOT OF RECORD
- a. For the purposes of this district, a Lot of Record is a parcel of land:
    - 1. for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to the effective date of Ordinance No. 148; and
    - 2. which, when established, satisfied all applicable laws.
  - b. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
  - c. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.

3.154.3 Except as otherwise provided by subsections 3.154.1, 3.135, and 7.104.1, no sale or conveyance of any portion of a lot other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

3.155 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsections 3.153.3, except. c.1, 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 district.

3.156 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by Section 6.20.

3.157 ACCESS

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Council to be safe and convenient for pedestrians and passenger and emergency vehicles.

3.158 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.158.1 Conditional Uses listed in subsection 3.153.3, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- a. any change from one conditional use listed in subsection 3.153.3 to another such conditional use, shall be subject to approval pursuant to the provisions of subsection 3.153.3; and
- b. any alteration of such conditional use listed in subsection 3.153.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

## SECTION 8

Ordinance No. 100 is amended by adding subsection 3.16, as follows:

### 3.16 RURAL CENTER DISTRICT RC

#### 3.161 PURPOSES

The purposes of the Rural Center District 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.

#### 3.162 AREA AFFECTED

This subsection shall apply to those lands designated RC on the Multnomah County Zoning Map.

#### 3.163 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the following uses:

##### 3.163.1 PRIMARY USES

- a. Farm use, as defined in ORS 215.203(2) (a) (1977 Replacement Part), 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 subsection 3.163.3.b.
- b. The propagation or harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a lot; and
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.

### 3.163.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
  1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
  2. The dwelling shall be attached to a foundation for which a building permit has been obtained.
  3. The dwelling shall have a minimum floor area of 600 square feet.
- b. Residential use consisting of a single-family dwelling, for the housing of help required to carry out a primary use listed in subsection 3.163.1.a. or b., when the dwelling occupies the same lot as a residence permitted by subsections 3.163.1.c. or 3.163.2.a, subject to the following conditions:
  1. In the event the dwelling is constructed off-site, construction shall comply with subparagraphs a.1. and 3. of this subsection.
  2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
    - (a) the use is needed to carry out a use listed in subsection 3.163.1.a. or b;
    - (b) the standards of subsection 3.164.b. are satisfied; and
    - (c) the minimum distance between dwellings will be 20 feet.

The decision of the Director may be appealed to the Board of Adjustment pursuant to subsections 12.38 and 12.39.
- c. Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:
  1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

### 3.163.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
  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. Cottage industries; and
  4. Commercial processing of agricultural products primarily grown in the vicinity.
- c. Rural planned developments pursuant to the provisions of Section 7.10. Duplex and apartment dwellings, not to exceed four dwelling units per lot, may be approved by the Hearings Council pursuant to the provisions of subsection 7.105.5.

### 3.163.4 ACCESSORY USES

- a. Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:
  1. A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;
  2. A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet;
  3. Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of agricultural products pursuant to the provisions of subsection 3.163.2.c.
- 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 district.

### 3.163.5 TEMPORARY USES

- a. Except as provided in subsections 3.164.1, 3.164.2, 3.165, and 7.104.1, the minimum lot size shall be one acre.
1. 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.

b.

Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - Feet			
	Stories	Feet	Front	Side	Street Side	Rear
50 feet	2-1/2	35	30	10	30	30

1. 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.
2. 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.

### 3.164.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than one acre, after the effective date of Ordinance No. 148, when in compliance with the dimensional requirements of subsection 3.164.b. Any exception shall be based on findings that the proposal will:

- a. substantially maintain or support the character and stability of the overall land use pattern of the area;
- b. be situated upon land generally unsuitable for 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;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the purposes described in subsection 3.161;
- e. satisfy the applicable standards of water supply, sewage disposal and minimum access; and
- f. not require public services beyond those existing or programmed for the area.

3.164.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.

3.164.12 The Hearings Council 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 subsection 3.161.

3.164.13 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 district; provided that the decision of the Director may be appealed to the Hearings Council pursuant to subsections 12.38 and 12.39.

#### 3.164.2 LOT OF RECORD

a. For the purposes of this district, a Lot of Record is a parcel of land:

1. for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to the effective date of Ordinance No. 148; and

2. which, when established, satisfied all applicable laws.

b. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

c. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.

3.164.3 Except as otherwise provided by subsection 3.164.1, 3.165, and 7.104.1, no sale or conveyance of any portion of a lot, other than for 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 of less than the area or width requirements of this district.

#### 3.165 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.163.3, except subparagraph c, 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 district.

3.166 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by Section 6.20.

3.167 ACCESS

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Council to be safe and convenient for pedestrians and passenger and emergency vehicles.

3.168 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.168.1 Conditional Uses listed in subsection 3.163.3, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming, and not subject to the provisions of subsection 12.75; provided, however, that:

- a. any change from one conditional use listed in subsection 3.163.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.163.3; and
- b. any alteration of such conditional use listed in subsection 3.163.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

## SECTION 9

Ordinance No. 100 is amended by adding Section 6.60, as follows:

6.60 WILLAMETTE RIVER GREENWAY DISTRICT WRG

6.61 PURPOSES

The purposes of the Willamette River Greenway District are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River; to implement the County's responsibilities pursuant to ORS 390.310 to 390.368; to establish Greenway Compatibility Review Areas; and to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.

6.62 AREA AFFECTED

This subsection shall apply to those lands designated WRG on the Multnomah County Zoning Map.

6.63 USES; GREENWAY PERMIT REQUIRED

All uses permitted pursuant to the provisions of the underlying district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use, except as provided in subsection 6.63.2, shall be subject to a Greenway Permit issued pursuant to the provisions of subsection 6.65.

6.63.1 DEFINITIONS

For the purposes of this section, the terms "change of use", "development", "develop", "farm use", and "intensification", shall have the meanings as defined in paragraph a. of the Order Adopting Preliminary Willamette River Greenway Plan of the Oregon Land Conservation and Development Commission, dated December 6, 1975.

6.63.2 EXCEPTIONS

A Greenway Permit shall not be required for the following:

- a. Farm Use, as defined in ORS 215.203(2) (a) (1977 Replacement Part), including buildings and structures accessory thereto;
- b. A single-family dwelling in conjunction with farm use, when located 150 feet or more from the ordinary low water line of the Willamette River;

- c. The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the Forest Practices Act from a farm woodlot of less than 20 acres as described in the definition of "farm use" in ORS 215.203;
- d. Gravel removal from the bed of the Willamette River, conducted under a permit from the State of Oregon;
- e. Customary dredging and channel maintenance;
- f. The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- g. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
- h. On scenic easements acquired under ORS 390.332(2) (a), the maintenance authorized by that statute and ORS 390.368;
- i. The use of a small cluster of logs for erosion control;
- j. The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- k. The maintenance and repair of existing flood control facilities; and
- l. Uses legally existing on the effective date of this ordinance; provided, however, that any change or intensification of such use shall require a Greenway Permit.

#### 6.64 GREENWAY PERMIT APPLICATION

An application for a Greenway Permit shall address the elements of the Greenway Design Plan and shall be filed as follows:

- a. For a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in subsection 12.21.2; and
- b. For a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, the Greenway Permit application shall be combined with the required application for the proposed use, and filed in the manner provided in subsections 12.20 and 12.22.

6.65 WRG PERMIT; REQUIRED FINDINGS

A decision on a Greenway Permit application shall be based upon findings of compatibility with the elements of the Greenway Design Plan listed in subsection 6.66.

6.65.1 DECISION BY PLANNING DIRECTOR

A decision on a Greenway Permit application for a Permitted Use of a Use Under Prescribed Conditions shall be made by the Planning Director. The Director may approve the permit, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Design Plan.

6.65.11 Within ten business days following receipt of a completed Greenway Permit application, the Planning Director shall file a decision with the Director of the Department of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.

6.65.12 A decision by the Planning Director on a Greenway Permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

6.65.2 DECISION BY HEARINGS COUNCIL

A decision on a Greenway Permit application for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, shall be made by the Hearings Council in conjunction with the decision on the use proposal associated therewith.

6.65.21 Action by the Hearings Council on a Greenway Permit application shall be taken pursuant to subsections 12.20 through 12.30.

6.65.22 The findings and conclusions made by the Hearings Council, and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

6.65.3 SCOPE OF APPROVAL

Approval of a Greenway Permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

6.65.4 APPEALS

6.65.41 A decision by the Planning Director on a Greenway Permit application may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39.

6.65.42 A decision by the Hearings Council on a Greenway Permit application may be appealed to the Board of County Commissioners in the manner provided in subsection 12.31.

6.66 GREENWAY DESIGN PLAN

The elements of the Greenway Design Plan are:

- a. The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and the river.
- b. Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.
- c. Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses.
- d. Agricultural lands shall be preserved and maintained for farm use.
- e. The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- f. Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.
- g. Significant fish and wildlife habitats shall be protected.
- h. Significant natural and scenic areas and viewpoints and vistas shall be preserved.
- i. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

6.65.4 APPEALS

6.65.41 A decision by the Planning Director on a Greenway Permit application may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39.

6.65.42 A decision by the Hearings Council on a Greenway Permit application may be appealed to the Board of County Commissioners in the manner provided in subsection 12.31.

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- b. Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.
- c. Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses.
- d. Agricultural lands shall be preserved and maintained for farm use.
- e. The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- f. Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.
- g. Significant fish and wildlife habitats shall be protected.
- h. Significant natural and scenic areas and viewpoints and vistas shall be preserved.
- i. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

- j. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable to assure scenic quality protection from erosion and screening of uses from the river.
- k. Extraction of known aggregate deposits may be permitted, pursuant to the provisions of Section 7.50, when economically feasible and when conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.
- l. Areas of annual flooding, flood plains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions.
- m. Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
- n. Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.
- o. The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in the development, change of use, or intensification of use of land designated WRG.
- p. A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource districts, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use.
- q. Any development, change of use or intensification of use of land classified WRG, shall be subject to design review, pursuant to Section 7.60, to the extent that such design review is consistent with the elements of the Greenway Design Plan.

#### 6.67 NOTICE TO DEPARTMENT OF TRANSPORTATION

The Planning Director shall mail to the State Department of Transportation a copy of any application for a Greenway Permit within ten days of the filing thereof, and a copy of the written decision thereon, at the time the same is filed, pursuant to subsection 6.65.11 or 12.30, as appropriate.

## SECTION 10

Ordinance No. 100 is amended by adding Section 6.70, as follows:

### 6.70 SIGNIFICANT ENVIRONMENTAL CONCERN DISTRICT SEC

#### 6.71 PURPOSES

The purposes of the Significant Environmental Concern District are to protect, conserve, enhance, restore and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes, and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wildlife and fish habitats, significant geological features, tourist attractions, historical and archeological features and sites, and scenic views and vistas, and to establish criteria, standards and procedures for the development, change of use or alteration of such features or of the lands adjacent thereto.

#### 6.72 AREAS AFFECTED

This subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map.

#### 6.73 USES; SEC PERMIT REQUIRED

All uses permitted pursuant to the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in subsection 6.73.1, shall be subject to an SEC permit. The excavation of any archeological site shall require an SEC permit, pursuant to subsection 6.75.1, regardless of the zoning designation of the site.

- a. Any excavation or any removal of materials of archeological, historical, prehistorical or anthropological nature shall be conducted pursuant to the conditions of an SEC permit.

##### 6.73.1 EXCEPTIONS

An SEC permit shall not be required for the following:

- a. Farm use, as defined in ORS 215.203(2) (a) (1977 Replacement Part), including buildings and structures accessory thereto;
- b. Except as provided in subsection 6.76.c, the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the Forest Practices Act from a farm woodlot of less than 20 acres as described in the definition of "farm use" in ORS 215.203;

- c. Customary dredging and channel maintenance, but not the placement of spoils;
- d. The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- e. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
- f. Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic waterways system;
- g. The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- h. The maintenance and repair of existing flood control facilities; and
- i. Uses legally existing on the effective date of this ordinance; provided, however, that any change or alteration of such use shall require an SEC permit as provided herein.

#### 6.74

#### APPLICATION FOR SEC PERMIT

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, pursuant to subsection 6.76 and shall be filed as follows:

- a. For a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in subsection 12.21.2; and
- b. For a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, the SEC permit application shall be combined with the required application for the proposed use, and filed in the manner provided in subsections 12.21 and 12.22.

#### 6.75

#### SEC PERMIT; REQUIRED FINDINGS

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of SEC and with the criteria for approval specified in subsection 6.76.

#### 6.75.1

#### DECISION BY PLANNING DIRECTOR

A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.

The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with subsection 6.76.

- 6.75.11 Within ten business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.
- 6.75.12 A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings and conclusions shall specifically address the relationships between the proposal and the criteria in subsection 6.76.

#### 6.75.2 DECISION BY HEARINGS COUNCIL

A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service use as specified in Section 7.00, shall be made by the Hearings Council in conjunction with the decision on the use proposal associated therewith.

- 6.75.21 Action by the Hearings Council on an SEC permit application shall be taken pursuant to subsections 12.20 through 12.30.
- 6.75.22 The findings and conclusions made by the Hearings Council and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the criteria in subsection 6.76.

#### 6.75.3 APPEALS

- 6.75.31 A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39.
- 6.75.32 A decision by the Hearings Council on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in subsection 12.31.

#### 6.75.4 SCOPE OF CONDITIONS

Conditions of approval of an SEC permit, if any, shall be limited to the locations, design and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting.

6.75.41 Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

6.76 CRITERIA FOR APPROVAL OF SEC PERMIT

- a. The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake or flood water storage area.
- b. Agricultural land and forest land shall be preserved and maintained for farm and forest use.
- c. The harvesting of timber on lands designated SEC shall be conducted in a manner which will insure that natural, scenic and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- d. A building, structure or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.
- e. Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.
- f. The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- g. Significant fish and wildlife habitats shall be protected.
- h. The natural vegetative fringe along rivers, lakes and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion.
- i. Buildings, structures and sites of historic significance shall be preserved, protected, enhanced, restored and maintained in proportion to their importance to the County's history.
- j. Archeological areas shall be preserved for their historic, scientific and cultural value and protected from vandalism or unauthorized entry.
- k. Extraction of aggregates and minerals, the depositing of dredge spoils and similar activities permitted pursuant to the provisions of Section 7.50, shall be conducted in a manner designed

to minimize adverse effects on water quality, fish and wildlife, historical or archeological features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.

- l. Areas of annual flooding, flood plains, water areas and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural functions.
- m. Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.
- n. The quality of the air, water and land resources in areas classified SEC shall be preserved in the development and use of such areas.
- o. The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

## SECTION 11

Section 7.00 of Ordinance No. 100 is amended to read:

### 7.00 COMMUNITY SERVICE CS

#### 7.010 PURPOSE

This Section provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Ordinance.

#### 7.020 GENERAL PROVISIONS

7.021 Application for approval of a Community Service use shall be made in the manner provided in subsection 12.20.

7.022 The Hearings Council shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.

7.023 The approval of a Community Service Use shall expire two years from the date of such approval if substantial construction or development has not taken place, unless the Hearings Council shall have established a longer period.

7.024 A Community Service approval shall be for the specific use or uses together with the limitations or conditions as determined by the Hearings Council. Any change of use or modification of limitations or conditions shall be subject to Hearings Council approval after a public hearing.

7.025 In granting approval of a Community Service Use, the Hearings Council may attach limitations or conditions to the development, operation or maintenance of such use in relation to the purposes of this Ordinance, including but not limited to setbacks, screening and landscaping, off-street parking and loading, access performance standards, performance bonds, structure height and location or construction standards.

7.025.1 Uses authorized pursuant to this section shall be subject to design review approval pursuant to Section 7.60.

7.026 A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

#### 7.027 COMMUNITY SERVICE APPROVAL IN CERTAIN DISTRICTS: STANDARDS

The following standards shall be applied to the approval of a Community Service Use in the EFU-38, CFU-38, MUA-20, MUF-20, RR and RC districts:

7.027.1 The Hearings Council shall find that the proposal:

- a. is consistent with the character of the area;
- b. will not adversely affect natural resources;
- c. will not conflict with farm or forest uses in the area;
- d. will not require public services other than those existing or programmed for the area;
- e. will not create hazardous conditions; and
- f. will satisfy the applicable policies of the Comprehensive Plan.

7.030 USES

Except as otherwise provided in Section 3.10, the following uses, and those of a similar nature, may be permitted in any district; provided such is consistent with the purposes of this Ordinance and when approved at a public hearing by the Hearings Council:

- a. Boat moorage, marine or boathouse moorage.
- b. Camp or campground.
- c. Cemetery, crematory, mausoleum, mortuary or funeral home.
- d. Church.
- e. Government building or use.
- f. Hospital, sanitarium, rest or retirement home.
- g. Library.
- h. Park, playground, sports area, golf course or recreational use of a similar nature.
- i. Philanthropic or eleemosynary institution.
- j. Power substation or other public utility building or use.
- k. Private club, fraternal organization, lodge.
- l. Racetrack.
- m. Radio or television station or tower.
- n. Refuse dump or sanitary landfill.

- o. Resort, dude ranch, hunting or fishing lodge.
- p. Riding academy or the boarding of horses for profit.
- q. School, private, parochial or public; educational institution.
- r. Accessory uses to the above when approved by the Hearings Council.
  - 1. Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

7.040 RESTRICTIONS

These buildings and uses shall meet the following requirements:

- 7.041 Minimum yards in EFU-38, CUF-38, F-2, MUA-20, MUF-20, RR, RC, R-40, R-30, R-20, and R-10 districts:
  - a. Front yards shall be 30 feet.
  - b. Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.
  - c. Rear yards shall be as required in the district.
- 7.042 Minimum yards in R-7.5, R-7, R-4, A-2, and A-1-B districts:
  - a. Front yards shall be 30 feet.
  - b. Side yards for one-story buildings shall be 15 feet; for two story buildings, 20 feet.
  - c. Rear yards shall be as required in the district.
- 7.043 Minimum yards in other districts shall be as required in the district.
- 7.044 Minimum Site Size:
  - a. For day nurseries and kindergartens, shall provide not less than 100 square feet per child, of outdoor play area located other than in the required front yard.
  - b. For primary (kindergarten through fourth grade), private and parochial schools shall be one acre for each 90 pupils or one acre for each three classrooms, whichever is greater.

c. For elementary public schools,, shall be one acre for each 75 pupils or one acre for each two and one-half classrooms, whichever is greater.

d. For churches, shall be 15,000 square feet.

7.045 Off-street parking and loading shall be provided as required in Section 6.20.

7.046 Any sign associated with a Community Service Use in an EFU-38, CFU-38, MUA-20, MUF-20, or in an F, R, or A district:

a. shall be limited to identification of the use or occupancy of the premises;

b. may be only indirectly illuminated;

c. shall be either placed flat against the building or, if freestanding, located not less than 15 feet from a street lot line; and

d. shall be limited to not more than two signs with a maximum total area on one side of four square feet unless the Hearings Council shall determine that other standards would be in harmony with the area.

7.047 Other restrictions and limitations shall be as required in the district.

## SECTION 12

Ordinance No. 100 is amended by adding Section 7.10, as follows:

### 7.10 RURAL PLANNED DEVELOPMENT RPD

#### 7.101 PURPOSES

The purposes of the Rural Planned Development Section are to provide standards and procedures for the orderly development of rural land demonstrated as not suitable for agricultural or forest use, but adequate for rural residential purposes; to promote desirable rural living environments while preserving rural character; to encourage innovative approaches to the development of rural areas within the limits of topography and the natural resources while recognizing that the residents will be adjacent to normal and accepted farming or forestry practices; to realize economies of cost and energy savings in rural land development and to limit the extension of accesses and public services.

#### 7.102 GENERAL CONDITIONS

- a. At the time of application, the proposed Rural Planned Development site shall consist of contiguous property under single or multiple ownerships identified in the application, and shall be capable of being planned and developed as one unit.
- b. The reduction or averaging of lot sizes below the requirements of the district shall be under means which assure that density of development will not exceed the density approved. Such means may include common ownership, unit or condominium ownership, easements, deed restrictions or similar means.
- c. Water supply and sewage disposal facilities shall be approved by appropriate State or County agencies.

#### 7.103 USES

Uses permitted in the district are permitted on sites approved for RPD.

#### 7.104 DENSITY

The number of dwellings permitted on an RPD site shall be determined by dividing the gross site acreage by the following divisors:

<u>DISTRICT</u>	<u>DIVISOR</u>
MUA-20	10
MUF-20	10
RR	3
RC	0.5

7.104.1 Individual lots in an approved RPD may be smaller than the average derived from subsection 7.104, if other lots are larger or the balance is held in open space, farm or forest use, pursuant to subsection 7.102.b, so that the permitted number of dwellings is not exceeded.

7.104.2 The minimum area of any residential lot shall be not less than that required for an approved sewage disposal system.

#### 7.105 PROCEDURES

The development of land under the standards of RPD shall be subject to approval by the Board of Adjustment or Hearings Council, as appropriate, pursuant to the procedures described in subsections 7.105.1 through 7.107.

##### 7.105.1 PRELIMINARY RPD PLAN

A preliminary plan shall be submitted to the Division of Planning and Development for review at a pre-initiation conference pursuant to subsection 12.22. The preliminary plan shall include the information required for a General RPD Plan under subsection 7.105.2, in outline form, and a written statement of sufficient detail to describe the general characteristics of the area and the development concept.

##### 7.105.2 GENERAL RPD PLAN

Following the pre-initiation conference, the applicant shall initiate an action by filing an application, which shall include a general plan, with the Division of Planning and Development. The general plan shall include:

- a. General maps, which may be in schematic form, indicating existing topography, soil types and characteristics, vegetation and watercourses, existing and proposed uses, open spaces, lotting and access.
- b. A written statement describing the following:
  1. Existing and proposed ownerships.
  2. Proposed housing types and locations.
  3. The manner in which the proposal is consistent with the Comprehensive Plan and the purposes described in subsection 7.101.
  4. Water supply and sewage disposal facilities.
  5. The expected schedule of development.

c. A preliminary subdivision or land division application as required by County regulations.

d. The required fee.

#### 7.105.3 HEARING

A hearing on a proposed Rural Planned Development shall be held pursuant to subsections 12.25 through 12.25.3, as follows:

a. A hearing on a proposal to divide land into three parcels or less in any calendar year shall be held by the Board of Adjustment.

b. A hearing on a proposal to divide land into four or more parcels in any calendar year shall be held by the Hearings Council.

#### 7.105.4 DECISION

A decision on a proposed Rural Planned Development by the Board of Adjustment or Hearings Council shall be based on findings pursuant to subsection 7.105.5.

#### 7.105.5 FINDINGS

Approval, or approval with conditions, shall be granted only on findings that a proposed Rural Planned Development will:

- a. substantially maintain or support the character and the stability of the overall land use pattern of the area;
- b. utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation or the location or size of the tract;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the Comprehensive Plan and the purpose described in subsection 7.101;
- e. satisfy the applicable standards of water supply, sewage disposal, and minimum access; and
- f. not require public services beyond those existing or programmed for the area.

7.106 EXPIRATION OF APPROVAL

Approval of a Rural Planned Development shall be void after the expiration of 18 months from a decision if no substantial construction or substantial expenditure of funds consistent with the approval have occurred on the property, unless a greater time period was initially authorized by the Board of Adjustment or Hearings Council, as appropriate.

7.107 MINOR CHANGES

Pursuant to the standards in subsection 6.4502, minor changes in an approved Rural Planned Development may be approved by the Planning Director on the payment of the prescribed fee.

## SECTION 13

Section 7.50 of Ordinance No. 100 is amended to read:

### 7.50      CONDITIONAL USES      CU

#### 7.51      PURPOSES

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

#### 7.52      GENERAL PROVISIONS

##### 7.521      STATUS

Approval of a conditional use shall not constitute a change of zoning classification and shall be granted by the Hearings Council for the specific use authorized, subject to such reasonable conditions and restrictions as may be determined to be necessary by the Hearings Council or as specifically provided herein.

##### 7.522      CONDITIONS AND RESTRICTIONS

The Hearings Council may attach conditions and restrictions to any conditional use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, off-street parking, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Ordinance and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.

##### 7.523      CONDITIONAL USE IN CERTAIN DISTRICTS:    STANDARDS

The following standards shall be applied to the approval of uses designated as Conditional Uses in the EFU-38, CFU-38, MUA-20, MUF-20, RR and RC districts:

###### 7.523.1    The Hearings Council shall find that the proposal:

- a.    is consistent with the character of the area;
- b.    will not adversely affect natural resources;
- c.    will not conflict with farm or forest use in the area;

- d. will not require public services other than those existing or programmed for the area;
- e. will not create hazardous conditions; and
- f. will satisfy the applicable policies of the Comprehensive Plan.

7.524 DESIGN REVIEW

Uses authorized pursuant to this section shall be subject to design review approval pursuant to Section 7.60.

7.53 PERMITS

7.531 CONDITIONAL USE PERMIT

A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the Hearings Council or Board of County Commissioners, in addition to those specifically set forth in this ordinance.

7.532 REVOCATION OF PERMIT

A conditional use permit may be suspended or revoked by the Hearings Council when any of the conditions or restrictions imposed are not satisfied.

- a. A conditional use permit shall be suspended only after a hearing before the Hearings Council. Written Notice of the hearing shall be given to the owner of the property at least ten days prior to the hearing.
- b. A suspended permit may be reinstated, if in the judgement of the Planning Director, the conditions or restrictions imposed in the approval have been satisfied.
- c. A revoked permit may be reinstated only on approval by the Hearings Council of a new application for a conditional use.

7.54 CONDITIONAL USE

Except as otherwise provided in each district, the following conditional uses may be permitted in any district when approved pursuant to this ordinance.

- 7.5401 The uses listed as conditional uses within each district, subject to the findings, criteria and standards stated therein.

7.5402 ANIMAL KEEPING

a. Dogs

1. Uses: Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the Hearings Council as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.
2. Location Requirements: These uses shall be permitted only in the following areas and only where they will not conflict with the surrounding property uses:
  - (a) In CUF-38, F-2, MUA-20, MUF-20, and RR districts or those areas of similar low population density.
  - (b) C-3, or C-2 commercial districts.
  - (c) Manufacturing districts.
3. Minimum site size requirements:
  - (a) Area: Two acres.
  - (b) Width: Two hundred fifty feet.
  - (c) Depth: Two hundred fifty feet.
4. Minimum setback requirements: These uses shall be located no closer than one hundred feet to any lot line, in or adjacent to an "F", "R", or "A" district.
5. Signs:
  - (a) Signs shall be limited to not more than two identification signs, non-illuminated, with a maximum total area on one side of eight square feet.
  - (b) No sign shall be located closer than ten feet to any lot line.
  - (c) No sign shall exceed a height of six feet above the natural grade at the sign location.
  - (d) Signs in a commercial or manufacturing district may conform to the sign requirements of that district.

6. Other Requirements:

- (a) All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.
- (b) All kennels, runs, and other facilities shall be designed constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
- (c) The owner or operator of a use approved under this section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.
- (d) A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.

7. Other approvals: The Hearings Council may request the advice of the County Dog Control officer, officials of humane societies, and veterinarians before approving an application hereunder.

7.5403 MINERAL EXTRACTION

- a. Mining of geothermal resources, sand, gravel, rock and earthen minerals.
  - 1. Mining shall mean the removal of all minerals, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping and dredging. The definition of mining shall also include the filling of sites for protection from flood or dumping sites from dredging operations.
  - 2. Minerals shall mean soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits.

- (a) Geothermal resources shall have the meaning as defined in ORS 522.005.
3. Allowed uses:
- (a) Excavation of minerals including the storage, stock piling, distribution and sale thereof;
  - (b) The installation and operation of plants or apparatus for rock crushing and cement treatment of base minerals, including screening, blending, washing, loading and conveying of such materials; and
  - (c) Mining and processing of geothermal resources as defined by ORS 522.005.
4. Secondary uses requiring special approval: Secondary activities utilizing the extracted minerals such as mixing or batching plants or manufacturing the extracted minerals into finished products, may be permitted, providing the Hearings Council makes a finding that such secondary use is appropriate for the area. In making such determination, the Hearings Council shall consider the environmental impact such plant will have on the surrounding area.
5. Buildings: The following buildings may be constructed upon the land as are reasonably necessary for the conduct of the permitted uses:
- (a) Shops, garages and warehouses for the repair, maintenance and storage of equipment or supplies.
  - (b) Office space.
  - (c) Not more than two single-family dwelling units for employees.
6. Location requirements: The uses as provided by subsection 7.5403 a.3, and 4, may be permitted in any district where the Hearings Council finds that an economic deposit of a mineral resource exists.
7. Minimum site size requirements: Minimum site size shall be at least two acres unless otherwise approved by the Hearings Council.
8. Minimum setback: The Hearings Council shall impose setback requirements appropriate for the nature of the use and the area where the use is to be conducted.

9. Signs: Signs shall meet the following requirements:
- (a) Not more than two identification signs per lot.
  - (b) Shall not be electrically illuminated.
  - (c) Maximum area on one side shall not exceed eight square feet.
  - (d) Shall not exceed a height of six feet above the natural grade at the sign location.
  - (e) Signs in a commercial or manufacturing district shall conform to the sign requirements of that district.
10. Other requirements: The Hearings Council may impose additional conditions, restrictions or requirements as it deems necessary, taking into consideration the following:
- (a) Access and traffic;
  - (b) Screening, landscaping and lighting;
  - (c) Signing;
  - (d) Reclamation;
  - (e) Hours of operation;
  - (f) Erosion control;
  - (g) Air, water and noise pollution control;
  - (h) Setbacks and buffers;
  - (i) Insurance;
  - (j) Architectural design of structures;
  - (k) Excavation depths and slopes; and
  - (l) Phasing program.
11. Other approvals: Before the Hearings Council may consider an application for any mineral extraction, the applicant shall show that conditional approval has been received from all governmental agencies having jurisdiction over mineral extraction. Each application shall be accompanied by completed forms as required by ORS 517.750 to 517.900.

- b. All surface mining uses that have previously been approved pursuant to Section 5.412(v) and 5.430, may continue to operate without the necessity of conforming to the requirements of this ordinance, provided, however, that the previously approved uses continue to comply with the following requirements:
  - 1. No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one foot horizontal for one foot vertical.
  - 2. No mining, quarrying, excavating or processing of material shall be permitted closer than 100 feet from the boundaries of a Natural Resource, Rural, Residential or Commercial district.
  - 3. Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring fence, except for reasonable areas of access and egress, as designated by the Board of Adjustment.
  - 4. No permanent structure, such as rock crusher, washer or sorter, shall be located closer than five hundred feet from any district boundary.
- c. All new applications for surface mining shall be pursuant to subsection 7.5403.

7.5404 WATERFRONT USES

a. HOUSEBOATS AND HOUSEBOAT MOORAGES

The location of a houseboat or the location or alteration of an existing houseboat moorage shall be subject to approval of the Hearings Council.

- 1. Houseboats shall mean any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility.
- 2. Houseboat moorage shall mean the provision of facilities for two or more houseboats.
- 3. Location Requirements: Houseboats shall be permitted only as designated by the Comprehensive Plan.
- 4. Criteria for Approval: In approving an application pursuant to this subsection, the Hearings Council shall find that:

- (a) The proposed development is in keeping with the overall land use pattern in the surrounding area;
  - (b) The development will not adversely impact, or be adversely affected by normal fluvial processes;
  - (c) All other applicable governmental regulations have, or can be satisfied; and
  - (d) The proposed development will not generate the untimely extension or expansion of public facilities and services including, but not limited to, schools, roads, police, fire, water and sewer.
5. Density: The maximum density of houseboats shall not exceed one for each 50 feet of waterfront frontage. The Hearings Council in approving a houseboat moorage may reduce the density below the maximum allowed upon finding that:
- (a) Development at the maximum density would place an undue burden on school, fire protection, water, police, road, basic utility or any other applicable service.
  - (b) Development at the maximum density would endanger an ecologically fragile natural resource or scenic area.
6. Signs: The following signs shall be permitted:
- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind the front property line.
  - (b) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two square feet.
7. Parking:
- (a) Two automobile spaces shall be provided for each houseboat.
  - (b) The parking area and all ingress and egress thereto shall be constructed two feet above the elevation of the 100 year flood, and pursuant to the provisions of Section 6.20.

8. Other Requirements:

- (a) All ramps, walkways and moorage spaces shall be designed, constructed and maintained to provide maximum safety in all weather conditions.
- (b) Lighting adequate to provide for the safety of residents and visitors shall be provided throughout a houseboat moorage.
- (c) Siting and design of all pickup and delivery facilities shall insure maximum convenience with minimum adverse visual impacts.

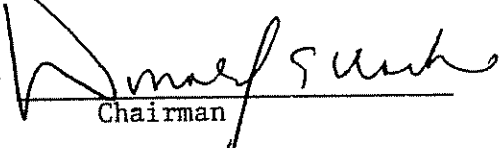
SECTION 14      ADOPTION

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 6th day of September, 1977, being the date of its SECOND reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By

  
Chairman

APPROVED AS TO FORM:

John B. Leahy  
County Counsel for  
Multnomah County, Oregon

By

  
Laurence Kressel

Deputy County Counsel