

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 252

An ordinance amending Ordinance No. 100, correcting errors and omissions in references to certain ordinance sections; adding non-farm dwelling approval criteria for homestead lots in EFU; and providing for Historical Sites Advisory Committee recommendations on designations of historic sites.

Multnomah County ordains as follows:

SECTION I. FINDINGS

- A. Certain errors and omissions, including the references to sections and the placement of provisions have become apparent in Ordinances Nos. 205 and 236 which amended Ordinance No. 100.
- B. The requirements of ORS 215.213 (3) were not included in the approval criteria for homestead lots in EFU under Section 2 of Ordinance No. 236.
- C. Provisions for the consideration of recommendations of the Historical Sites Advisory Committee were omitted from the procedure to establish HP Subdistricts under Section 25 of Ordinance No. 205.
- D. The Planning Commission considered the above matters at a public hearing on September 29, 1980 and passed Resolution PC 12-80G recommending to the Board adoption of draft Ordinance PC 12-80G to correct the errors and omissions and adopting findings in support of the recommendation.
- E. The Board concurs in the Planning Commission's recommendations and adopts the Planning Commission's findings.

SECTION 2. AMENDMENTS OF ORDINANCE NO. 100.

Note: Material underlined is added; material crossed out is deleted.

Ordinance No. 100 is amended as follows:

- A. Subpart 2 (a) of subsection 3.103.2 b (Ordinance No. 100 is amended to read:

"(a) the use is needed to carry out a use listed in subsection 3.103.1 a. or ~~a~~-b."

- (B) Subpart c of Section 3.103.2 (Ordinance No. 236) is amended to read:

"C. A primary farm use or a residence in conjunction with a farm use as listed in subsection 3.103.1 a. or c. or subsection 3.103.2.a. under conditions 1 through 3 thereof, subject to the following:

1. Located on a substandard lot of record of less than 76 acres on Sauvie Island or 38 acres elsewhere in the EFU district, or
2. Located on a lot created under MCC 11.45, Land Divisions, after the effective date of Ordinance No. 236, 2.-Except-for-a-sub-standard-lot-of-record with a lot size less than 76 acres the-minimum-required-under-subsection-3.104.a., but not less than 38 acres on Sauvie Island or less than 38 acres but not less than 19 acres elsewhere in this the EFU district; and"  
(subparts 3 through 5 are unchanged).

(C) Subsection 3.103.3.b.12 (Ordinance No. 236) is amended to read:

"b.12 Homestead Lot. The purpose of this provision is to encourage the retention of agricultural lands in large parcels, while providing the opportunity for residents who are no longer able or who no longer desire to farm the land to retain their homes and sell the balance of the property. "Homestead Lot" means a lot of from two to five acres depending upon the conditions of soil, topography or other circumstances which govern parcel size on which the existing dwelling shall have been the principal farm dwelling for at least ten years prior to the effective date of Ordinance No. 236. The Hearings Officer may approve a homestead lot division ~~for a principal dwelling existing on the effective date of Ordinance No. 236,~~ as a non-farm use, provided that all of the following are satisfied:

- ~~(a) The homestead lot shall not be greater than two acres unless-- conditions of soil, topography or other circumstances require-- a larger size; in no event shall a homestead lot be larger than five acres,~~
- ~~(b) The dwelling on the homestead lot shall have been the principal farm dwelling for at least ten years prior to the effective-- date of Ordinance No. 236,~~
- ~~(c)~~ (a) the remainder of the parcel shall satisfy the lot size and other requirements of this district for farm use,
- ~~(d)~~ (b) not more than one homestead lot may be divided from a lot of record,
- ~~(e)~~ (c) the owner of the parcel from which the homestead lot was divided shall have the first right of refusal to purchase the homestead lot. ,
- (d) the dwelling 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;
- (e) the dwelling 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;

- (f) the dwelling does not materially alter the stability of the overall land use pattern of the area; and
  - (g) the dwelling 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."
- (D) Subsection 3.113.2.a.6 (Ordinance No. 236) is renumbered as Section 3.119 (i).
- (E) Subsection 3.14 (Ordinance No. 236) is amended to number the title as "3.14" and the "Purposes" section as "3.141".
- (F) Subsection 3.114.a (Ordinance No. 236) is revised to insert "3.114.05" after "3.114.1".
- (G) Subsection 3.143.2 a.6. (Ordinance No. 236) is renumbered as subsection "3.149 (i)".
- (H) Subsection 3.143.3.d (Ordinance No. 236) is amended to delete "or" at the end of subpart 3.
- (I) Subsection 3.149 (Ordinance No. 236) is amended to revise the second sentence of subpart c. to read:
- "The ~~reasons for providing any~~ physical limitations of the site which require a driveway access in excess of 500 feet shall be stated in writing as part of the application for approval;"
- (J) Subsection 3.377 (H) (1) (Ordinance No. 205) is amended to read:
- "(1) In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of the established or required adjoining front yards."
- (K) Subsection 4.001 (Ordinance No. 205) is amended to change the reference from subsection "4.009" to "4.010" in the second sentence.
- (L) Subsection 4.405 (A) (Ordinance No. 205) is amended to change the reference from subsection "4.008" to "4.009" in the introductory phase.
- (M) Subsection 6.805 (Ordinance No. 205) is amended to add:
- "(c) In acting to establish an HP subdistrict or to designate property as HP, the Planning Commission and the Board shall consider the report and recommendation thereon prepared by the Multnomah County Historical Sites Advisory Committee."

- (1) The Planning Director shall notify the Chairman and the Secretary of the Historic Sites Advisory Committee by first class mail of a proposal for establishment or designation of an HP Subdistrict at least 30 days prior to action thereon by the Planning Commission.
- (2) The Committee shall file its report and recommendation with the Planning Director.
- (3) In the absence of the report and recommendation of the Committee, the proposed subdistrict or designation shall be deemed to be recommended for approval."

(N) Subsection 7.523 (Ordinance No. 205) is amended to read:

"7.523 CONDITIONAL USE APPROVAL CRITERIA.

A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in a district or in this section, the approval authority shall find that the proposal:" (subparts (A) through (F), the criteria, are unchanged).

(O) Subsection 7.5404" WATERFRONT USES" (Ordinance No. 205) is renumbered as Subsection "7.55".

(P) Subsection 7.612.1 (Ordinance No. 100-Design Review) is amended to read:

"7.612.1 The provisions of Section 7.60 shall apply to all conditional and community service uses in any district and to developments ~~in the following districts:~~

- a. ~~Group dwellings in R-4, Two-Family Residential District pursuant to subsection 3.833;~~

A multiplex, garden apartment or apartment dwelling or structure;

- b. ~~A-2, Apartment Residential District;~~ A boarding, lodging or rooming house;

- c. ~~A-1-B, Apartment Residential Business Office District;~~ A hotel or motel;

- d. ~~All Commercial District;~~ and A business or professional office or clinic;

- e. ~~All Manufacturing Districts-~~ A use listed in the BPO District;

- f. A used listed in any commercial district; and

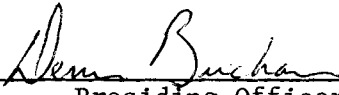
- g. A use listed in any manufacturing district."

ADOPTION

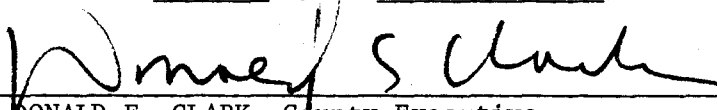
This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on Nov. 14, 1980, according to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 14th day of October, 1980, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

FOR THE BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

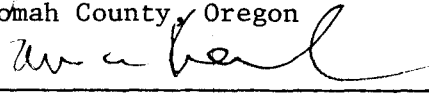
By   
Presiding Officer

Authenticated by the County Executive on the 16th day of October, 1980

  
DONALD E. CLARK, County Executive

APPROVED AS TO FORM:

LOHN B. LEAHY  
County Counsel for  
Multnomah County, Oregon

By   
Laurence Kressel,  
Deputy County Counsel