

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 509

An Ordinance adding dog kennels, aquaculture uses and personal use airports to the Conditional Use Section of the EFU, Exclusive Farm Use zoning district of the Multnomah County Zoning Code.

Multnomah County ordains as follows:

Section 1. Findings.

1. The State of Oregon limits the land uses that Counties can allow in Exclusive Farm Use (EFU) zoned areas to those uses listed in Oregon Revised Statutes (ORS), Chapter 215.
2. Recently, the Oregon State Legislature amended Chapter 215 of ORS in order to allow additional "non-farm" land uses in EFU zoned areas. These uses include dog kennels, aquaculture uses and "personal use airports". This amendment would implement this legislative action by adding these uses to the other "non-farm" uses found in the Conditional Use Section of the EFU zone. All Conditional Uses require approval by the Planning Commission at a public hearing.

Section 2. Multnomah County Code Section 11.15.2012(B) is amended to read as follows:

Conditional Uses (EFU Zone)

(B). The following uses may be permitted when approved by the Planning Commission pursuant to the provisions of MCC .7105 to .7865:

- (1). Commercial activities that are in conjunction with farm uses;

- (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 uses not in conjunction with farm use, consisting of a single family dwelling, including a mobile or modular home. The lot shall be a Lot of Record under MCC .2018, or, if otherwise below the minimum lot size, be divided under the applicable provisions of MCC 11.45, Land Divisions. The Planning Commission shall find that a dwelling on the lot as proposed:
 - (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 subparts (1), (2) and (3) of MCC .2010(A) if constructed off-site;
 - (f). Complies with such other conditions as the Planning Commission considers necessary to satisfy the purposes of MCC .2002;
 - (g). Construction shall comply with the standards to the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes;
 - (h). The dwelling shall be attached to a foundation for which a building permit has been obtained, and
 - (i). The dwelling shall have a minimum floor area of 600 square feet.
- (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);
- (9). Facilities for the primary processing of forest products, pursuant to ORS 215.213(2)(i);
- (10). The boarding of horses for profit;
- (11). Mortgage Lot. Residential use consisting of single family dwelling in conjunction with a primary use listed in MCC .2008 located on a mortgage lot created after August 14, 1980, subject to the following:
 - (a). The minimum lot size for the mortgage lot shall be two acres;
 - (b). Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the Zoning Ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.
 - (c). No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.
- (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 August 14, 1980. The Planning Commission may approve a homestead lot division as a non-farm use, provided that all of the following are satisfied:

- (a). The remainder of the parcel shall satisfy the lot size and other requirements of this district for farm use;
 - (b). Not more than one homestead lot may be divided from a Lot of Record;
 - (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.
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- (13). The propagation, cultivation, maintenance and harvesting of aquatic species.
 - (14). Personal use airports, as defined in ORS 215.283(g).
 - (15). Dog kennels.

Adoption.

This Ordinance, being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on May 17, 1986, 1986, according to Section 5.50 of the Charter of Multnomah County.


Adopted this 15th day of April, 1986, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By 
Presiding Officer


(SEAL)

Authenticated by the County Executive on the 17th day of April, 1986.


Dennis Buchanan, County Executive

APPROVED AS TO FORM

John B. Leahy
County Counsel for
Multnomah County, Oregon

By 
Peter Kastig,
Assistant County Counsel

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