

# **ANNOTATED MINUTES**

Thursday, June 18, 1998 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:33 a.m., with Vice-Chair Sharron Kelley, Commissioner Diane Linn present, Commission District 3 position vacant, and Commissioner Gary Hansen arriving at 9:36 a.m.*

### **CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER LINN, THE  
CONSENT CALENDAR (ITEMS C-1 THROUGH C-5)  
WAS APPROVED WITH COMMISSIONERS  
KELLEY, LINN AND STEIN VOTING AYE.**

### **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-1      Budget Modification CFS 8 Adjusting Expenditures and Revenue to Program Budgets in the Division of Community Action and Development to Bring Budgets in Line with Projects Expenditures and to Reflect Actual Revenue Agreements

### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-2      ORDER Authorizing Execution of Deed D981552 Upon Complete Performance of a Contract with Barbara J. Cole

**ORDER 98-77.**

- C-3      ORDER Authorizing Execution of Deed D981553 Upon Complete Performance of a Contract with J. W. Friday

**ORDER 98-78.**

- C-4      C 3-98/C 5-98      Report the Planning Commission Decision Regarding Denial of a Request for Exception to Statewide Planning Goals 4 and 14 and a Request to Rezone Commercial Forest Lands to

Multiple Use Agricultural to Allow the Upgrade of a Youth/Family Camp for Property Located at 38105 SE GORDON CREEK ROAD, CORBETT

- C-5      HV 5-98/SEC 5-98      Report the Hearings Officer Decision Regarding Approval with Conditions of a Major Variance for Side Yard Setbacks and a Significant Environmental Concern Permit for a 1900 Square Foot Addition to an Existing Single Family Residence on Lands Designated Commercial Forest Use for Property Located at 3705 SE OXBOW PARKWAY, GRESHAM

## **REGULAR AGENDA**

### **PUBLIC COMMENT**

- R-1      Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

***NO ONE WISHED TO COMMENT.***

## **DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- R-2      Results from RESULTS: Support Staff Process Improvement Team Report

*Commissioner Gary Hansen arrived at 9:36 a.m.*

***REGINA GUION, SCOTT RAYFIELD, MARK GEREN AND CARL JABER PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT***

## **NON-DEPARTMENTAL**

- R-3      PROCLAMATION Supporting Portland's 1998 Gay and Lesbian Pride Parade and Festival

***COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. MELINDA PETERSEN READ PROCLAMATION. BOARD COMMENTS IN SUPPORT. PROCLAMATION 98-79 UNANIMOUSLY APPROVED.***

- R-4            Second Reading and Adoption of an ORDINANCE Amending the Violation and Enforcement Regulations Contained in Multnomah County Code 11.15.9052 Previously Amended April 23, 1998 by Ordinance 905

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. COUNTY COUNSEL SANDRA DUFFY EXPLANATION. NO ONE WISHED TO TESTIFY. ORDINANCE 908 UNANIMOUSLY APPROVED.**

#### **DEPARTMENT OF SUPPORT SERVICES**

- R-5            Budget Modification DSS 12 Transferring \$4,020,769 of 1996-97 Ending Balance to the Behavioral Health Managed Care Fund, the Assessment and Taxation Fund, the Capital Improvement Fund, and the Federal/State Program Fund, and Pay for Equipment Ordered in Prior Fiscal Year

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. DAVE WARREN EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

#### **DEPARTMENT OF HEALTH**

- R-6            NOTICE OF INTENT to Respond to a Request for Proposals from the Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation for a Study of Multiple Methods to Validate an Evaluation of Family Planning Services in School Based Health Centers

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-6. TOM FRONK EXPLANATION. COMMISSIONER LINN REQUESTED THE DEPARTMENT LOOK INTO ESTABLISHING A HEALTH CLINIC ON THE WEST SIDE. NOTICE OF INTENT UNANIMOUSLY APPROVED.**

#### **DEPARTMENT OF LIBRARY SERVICES**

- R-7            Budget Modification DLS 10 Appropriating a Total of \$224,391 in Grants from the Library Foundation for Sunday Hours at Central Library; the Trios and Quartets Program at Central Library; One School Corps Position; Two Public Trainer Positions; and Refreshments for the "Thank You Sunday" in November

**COMMISSIONER KELLEY MOVED AND  
COMMISSIONER HANSEN SECONDED,  
APPROVAL OF R-7. GINNIE COOPER AND  
ROBERT GEDDES EXPLANATION AND  
RESPONSE TO BOARD COMMENTS IN SUPPORT.  
BUDGET MODIFICATION UNANIMOUSLY  
APPROVED.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-8            Second Reading of an ORDINANCE Amending the Multnomah County Animal Control Code Chapter 8.10 to Provide for Certain New Definitions and Regulations Relating to Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search Warrants and State Court Enforcement

**ORDINANCE READ BY TITLE ONLY. COPIES  
AVAILABLE. COMMISSIONER KELLEY MOVED  
AND COMMISSIONER HANSEN SECONDED,  
APPROVAL OF SECOND READING. HANK  
MIGGINS REPORTED TO BOARD STATUS OF LAST  
WEEK'S ISSUES. COMMISSIONER KELLEY  
DISCUSSED KING COUNTY LEGISLATION AND  
PROVIDED EXPLANATION OF HER THREE  
PROPOSED AMENDMENTS. BUD SPENCER  
TESTIMONY REQUESTING EXEMPTION TO  
SEARCH AND RESCUE DOGS FROM THE LEASH  
LAW. MR. MIGGINS AND COUNTY COUNSEL  
MATTHEW RYAN RESPONSE TO BOARD  
QUESTIONS. COMMISSIONER KELLEY  
EXPLANATION IN RESPONSE TO JEFF MILLER  
TESTIMONY CONCERNING COUNTY  
LEGISLATION OF REPTILES AND SNAKES AND  
NEED FOR EDUCATION. THOMAS BUCHHOLZ  
TESTIMONY CONCERNING 1991 ANIMAL RESCUE  
INCIDENT. GARY AUSTIN TESTIMONY IN  
OPPOSITION TO COUNTY LEGISLATION  
BANNING SNAKES OVER A CERTAIN SIZE.**



GAYLE SCHAECHER TESTIMONY IN SUPPORT OF GRANDFATHER CLAUSE FOR EXOTIC CAT OWNERS. DWAYNE KAPTUR TESTIMONY IN OPPOSITION TO COUNTY LEGISLATION OF EXOTIC ANIMALS. TOM JAMES TESTIMONY IN OPPOSITION TO COUNTY LEGISLATION BANNING REPTILES AND SNAKES OVER A CERTAIN SIZE. AT MR. MIGGINS' REQUEST, STATE OF OREGON DEPARTMENT OF AGRICULTURE PUBLIC HEALTH VETERINARIAN EMILIO DEBESS REPORTED ON SPECIFIC DISEASES AND EMERGING INFECTIONS CARRIED BY PRIMATES. MR. RYAN RESPONDED TO MR. BUCHHOLZ' TESTIMONY, ADVISING IT IS NOT NECESSARY TO INCLUDE PROVISIONS INTO THIS CODE AMENDMENT AS THE COUNTY FOLLOWS STATE LAW CONCERNING SEARCH WARRANTS. MR. RYAN AND MR. MIGGINS RESPONDED TO MR. SPENCER'S TESTIMONY, ADVISING THE LEASH LAW ISSUE WAS NOT PART OF THIS CODE AMENDMENT. IN RESPONSE TO A SUGGESTION OF COMMISSIONER HANSEN, MR. RYAN ADVISED HE DOES NOT RECOMMEND ADDING AN AMENDMENT EXEMPTING SEARCH AND RESCUE DOGS FROM THE LEASH LAW UNTIL STAFF HAS A CHANCE FOR FURTHER REVIEW. MR. MIGGINS RESPONSE TO COMMISSIONER LINN'S COMMENTS ABOUT GETTING OUT OF THE BUSINESS OF REGULATING EXOTICS AND SAYING SOME TYPES ARE NOT ALLOWED IN COUNTY. MR. MIGGINS AND MR. RYAN RESPONSE TO QUESTION OF CHAIR STEIN REGARDING IDENTIFICATION OF SNAKES OVER EIGHT FEET LONG. COMMISSIONRE KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, HER THREE AMENDMENTS. BOARD COMMENTS IN SUPPORT. AMENDMENTS UNANIMOUSLY APPROVED. CHAIR STEIN DIRECTED STAFF TO NOTE THE IMPORTANCE OF HAVING INFORMAL INVENTORY OF CITIZENS WHO CAN HELP PEOPLE AND SOME KIND OF NOTIFICATION TO INFORM PUBLIC, AND TO KEEP TRACK OF DATE SO WE CAN KNOW

**A YEAR FROM NOW HOW THINGS ARE  
PROGRESSING. SECOND READING  
UNANIMOUSLY APPROVED, AS AMENDED.  
THIRD READING JUNE 25, 1998.**

R-9

First Reading of an ORDINANCE Amending Multnomah County Code 11.15 by Incorporating Standards Implementing the Commercial Forest Use Policies of the West Hills and East of Sandy River Rural Area Plans and Providing Equivalency Standards to Fire Safety Zones as Allowed by Oregon Administrative Rule 660-06-035

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER LINN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. PLANNER BOB HALL SUBMITTED ERRATA AND EXPLANATION. CHRIS FOSTER TESTIMONY ON PLANNING COMMISSION THINKING REGARDING SET BACK EXCEPTIONS AND FIRE SAFETY ISSUES. FLORENCE SHIELDS TESTIMONY IN SUPPORT OF THE 30' SETBACK PROVISION OF THE ORDINANCE AND REQUEST THAT THE ADDITIONAL FIRE PROTECTION REQUIREMENT NOT APPLY TO ACCESSORY BUILDINGS OR STRUCTURES. LES SHIELDS TESTIMONY REQUESTING THAT THE ADDITIONAL FIRE PROTECTION REQUIREMENT NOT APPLY TO ACCESSORY BUILDINGS OR STRUCTURES AND SUBMITTED A LETTER FROM THE TUALATIN VALLEY FIRE DISTRICT. PAUL NORR AND HIS CLIENT KAREN ANDERSON TESTIMONY IN OPPOSITION TO THE 30' SETBACK PROVISION OF THE ORDINANCE AND TO THE SHIELD'S HORSE BARN WHICH WAS BUILT WITHIN 30' OF MS. ANDERSON'S PROPERTY. MATT HARRELL TESTIMONY IN OPPOSITION TO THE ORDINANCE BECAUSE IT WILL NOT ALLOW HIM TO BUILD ON THE 18 ACRES HE JUST PURCHASED. COMMISSIONER HANSEN ENCOURAGED MR. HARRELL TO SPEAK WITH PLANNING STAFF AS HE DOES NOT BELIEVE THE ORDINANCE WILL IMPACT HIS PROPERTY. KEN BLANC TESTIMONY IN SUPPORT OF THE EAST OF SANDY RIVER RURAL AREA PLANS PORTION OF**

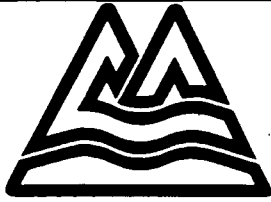
THE ORDINANCE. CHRIS FOSTER AND BOB HALL RESPONSE TO TESTIMONY AND BOARD QUESTIONS CONCERNING ACCESSORY BUILDINGS AND THE LETTER FROM THE TUALATIN VALLEY FIRE DISTRICT. MR. HALL ADVISED HE WOULD SPEAK WITH MR. HARRELL AS SOON AS THE MEETING ENDED TO DISCUSS HIS CONCERNS. MR. HALL AND MR. FOSTER RESPONSE TO BOARD QUESTIONS CONCERNING THE DIFFERENCE BETWEEN AN AGRICULTURAL BUILDING AND AN ACCESSORY BUILDING, OPPORTUNITIES FOR NEIGHBOR INPUT DURING THE PERMIT PROCESS, AND WHY PLANNING COMMISSION INCLUDED FIRE SAFETY REQUIREMENTS FOR AUXILIARY BUILDINGS. COMMISSIONER LINN ENCOURAGED THE SHIELDS AND MS. ANDERSON TO PURSUE MEDIATION TO WORK OUT THEIR DIFFERENCES. FOLLOWING DISCUSSION, COMMISSIONER LINN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE ERRATA SUBMITTED BY MR. HALL. FOLLOWING COMMENTS BY COMMISSIONER HANSEN, BOB HALL AND PAUL NORR, ERRATA UNANIMOUSLY APPROVED. FIRST READING UNANIMOUSLY APPROVED, AS AMENDED. SECOND READING JULY 9, 1998.

*There being no further business, the meeting was adjourned at 11:55 a.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*

Deborah L. Bogstad



## MULTNOMAH COUNTY, OREGON

### BOARD OF COMMISSIONERS

#### Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515

Portland, Or 97204-1914

Phone: (503) 248-3308 FAX (503) 248-3093

Email: mult.chair@co.multnomah.or.us

#### Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5220 FAX (503) 248-5440

Email: diane.m.linn@co.multnomah.or.us

#### Gary Hansen, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5219 FAX (503) 248-5440

Email: gary.d.hansen@co.multnomah.or.us

#### Lisa Naito, Commissioner-Elect

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5217 FAX (503) 248-5262

Email: lisa.h.naito@co.multnomah.or.us

#### Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

Phone: (503) 248-5213 FAX (503) 248-5262

Email: sharron.e.kelley@co.multnomah.or.us

**ANY QUESTIONS? CALL BOARD  
CLERK DEB BOGSTAD @ 248-3277**

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES  
MAY CALL THE BOARD CLERK AT  
248-3277, OR MULTNOMAH COUNTY  
TDD PHONE 248-5040, FOR  
INFORMATION ON AVAILABLE  
SERVICES AND ACCESSIBILITY.**

### JUNE 18, 1998 BOARD MEETING

#### FASTLOOK AGENDA ITEMS OF INTEREST

2	Consent Calendar of Routine Business.
3	DJACJ Results Presentation
3	Gay Pride and Parade Proclamation
3	Second Reading Land Use Code Provisions Ordinance
3	Health Department Notice of Intent
3	Library Budget Modification
4	Second Reading Animal Control Code Provisions Ordinance
4	First Reading Zoning Code Amendments to Implement the Commercial Forest Use Policies of West Hills and East of Sandy River Rural Area Plans Ordinance

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community  
Television

Thursday, June 18, 1998 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR**

#### **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-1      Budget Modification CFS 8 Adjusting Expenditures and Revenue to Program Budgets in the Division of Community Action and Development to Bring Budgets in Line with Projects Expenditures and to Reflect Actual Revenue Agreements

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-2      ORDER Authorizing Execution of Deed D981552 Upon Complete Performance of a Contract with Barbara J. Cole
- C-3      ORDER Authorizing Execution of Deed D981553 Upon Complete Performance of a Contract with J. W. Friday
- C-4      C 3-98/C 5-98      Report the Planning Commission Decision Regarding Denial of a Request for Exception to Statewide Planning Goals 4 and 14 and a Request to Rezone Commercial Forest Lands to Multiple Use Agricultural to Allow the Upgrade of a Youth/Family Camp for Property Located at 38105 SE GORDON CREEK ROAD, CORBETT
- C-5      HV 5-98/SEC 5-98      Report the Hearings Officer Decision Regarding Approval with Conditions of a Major Variance for Side Yard Setbacks and a Significant Environmental Concern Permit for a 1900 Square Foot Addition to an Existing Single Family Residence on Lands Designated Commercial Forest Use for Property Located at 3705 SE OXBOW PARKWAY, GRESHAM

### **REGULAR AGENDA**

## **PUBLIC COMMENT**

- R-1            Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

## **DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- R-2            Results from RESULTS: Support Staff Process Improvement Team Report

## **NON-DEPARTMENTAL**

- R-3            PROCLAMATION Supporting Portland's 1998 Gay and Lesbian Pride Parade and Festival

- R-4            Second Reading and Adoption of an ORDINANCE Amending the Violation and Enforcement Regulations Contained in Multnomah County Code 11.15.9052 Previously Amended April 23, 1998 by Ordinance 905

## **DEPARTMENT OF SUPPORT SERVICES**

- R-5            Budget Modification DSS 12 Transferring \$4,020,769 of 1996-97 Ending Balance to the Behavioral Health Managed Care Fund, the Assessment and Taxation Fund, the Capital Improvement Fund, and the Federal/State Program Fund, and Pay for Equipment Ordered in Prior Fiscal Year

## **DEPARTMENT OF HEALTH**

- R-6            NOTICE OF INTENT to Respond to a Request for Proposals from the Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation for a Study of Multiple Methods to Validate an Evaluation of Family Planning Services in School Based Health Centers

## **DEPARTMENT OF LIBRARY SERVICES**

- R-7            Budget Modification DLS 10 Appropriating a Total of \$224,391 in Grants from the Library Foundation for Sunday Hours at Central

Library; the Trios and Quartets Program at Central Library; One School Corps Position; Two Public Trainer Positions; and Refreshments for the "Thank You Sunday" in November

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-8        Second Reading of an ORDINANCE Amending the Multnomah County Animal Control Code Chapter 8.10 to Provide for Certain New Definitions and Regulations Relating to Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search Warrants and State Court Enforcement
- R-9        First Reading of an ORDINANCE Amending Multnomah County Code 11.15 by Incorporating Standards Implementing the Commercial Forest Use Policies of the West Hills and East of Sandy River Rural Area Plans and Providing Equivalency Standards to Fire Safety Zones as Allowed by Oregon Administrative Rule 660-06-035

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: COMMUNITY AND FAMILY SERVICESDIVISION: N/ACONTACT: LES WALKERPHONE: 26777

\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

KATHY TINKLE/MIKE WADDELLSUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification CFS#8 adjusts expenditures and revenue to program budgets in the Division of Community Action and Development to bring budgets in line with projects expenditures and to reflect actual revenue agreements.

## 2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

**[ X ] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET**

Budget Modification CFS#08 adjusts all revenues to actual grant and contracts amounts and adjusts both administrative and contracted services to reflect those changes. The net decrease for the Department is \$681,800. Expenditures reductions include \$231,619 in personnel expenses, \$ 457,628 in contracted services, and \$66,502 in materials and services.

Budget Modification CFS#08 includes an annualized reduction of 13.00 FTEs a result of the closure of the Singles Housing Assessment Center (SHAC), the transfer of shelter services to the City, and termination of a City of Portland contract for the Department to administer the Private Plumbing Loan program.

Attachment A lists all the changes in revenue in this modification. Significant revenue decreases include: City HUD CDBG \$308,787; HAP SHP \$252,554; City Sewer on Site \$190,000; LIEAP Wx \$183,686; Utility Rebates \$150,000; and City ESGP \$102,490. Significant revenue increases include: EHA/EHA-TANF \$110,000; City HAP/Pilot \$92,423; LIEAP \$77,876; City SOS/PPL \$73,697, and FEMA \$68,256. CGF Indirect Support is reduced by \$75,681.

Changes to service reimbursement from the Fed/State Fund include: \$75,681 decrease to the General Fund; \$39,375 decrease to the Insurance Fund; \$9,940 increase to the Fleet Fund; \$3,000 decrease to the Telephone Fund; \$3,327 decrease to the Distribution Fund; and \$16,953 decrease to the Facilities Fund.

## 3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Net Change in Program Revenue (See Attachment A for detail)	(\$681,800)
County General Fund Indirect Support	(\$75,681)
Service Reimbursement Fed/State to General Fund	(\$75,681)
Service Reimbursement Fed/State to Insurance Fund	(\$39,375)
Service Reimbursement Fed/State to Telephone Fund	(\$3,000)
Service Reimbursement Fed/State to Fleet Fund	\$9,940
Service Reimbursement Fed/State to Facilities Fund	(\$16,953)
Service Reimbursement Fed/State to Building Management Fund	(\$3,327)
<b>TOTAL</b>	<b>(\$885,877)</b>

JUN 10 PM 2:31  
 CLERK OF  
 COUNTY COMMISSIONERS  
 MULTNOMAH COUNTY  
 OREGON

## 4. CONTINGENCY STATUS [to be completed by Budget &amp; Planning]

\_\_\_\_\_ Fund Contingency BEFORE THIS MODIFICATION (as of \_\_\_\_\_): \$ \_\_\_\_\_  
 (Specify Fund) AFTER THIS MODIFICATION: \$ \_\_\_\_\_

Originated By: <u>Mike Waddell</u>	Date: <u>6/1/98</u>	Department Director: <u>Lorenz Po</u>	Date: <u>6/1/98</u>
Plan / Budget Analyst: <u>Kayne Bueger</u>	Date: <u>6/10/98</u>	Employee Services: _____	Date: _____
Board Approval: <u>Wendy RHC</u>	Date: <u>6/10/98</u>		



**Budget Modification CFS#08****Attachment A: Net Change in Program Revenue**

City HUD CDBG	(\$308,787)
HAP SHP	(\$252,554)
City SOS	(\$190,000)
LIEAP Wx	(\$183,686)
Utility Rebates	(\$150,000)
City ESGP	(\$102,490)
City Emergency	(\$21,371)
City Relocation	(\$16,000)
Private Plumbing/PDX	(\$15,000)
CSBG	(\$9,165)
Block by Block	(\$3,000)
State Dept of Veterans	(\$135)
PVE Wx	\$125
BPA Wx	\$1,500
Gresham CDBG	\$1,923
Training Program Fee	\$4,988
SAFAH	\$16,249
LIRHF	\$35,931
Bottles & Cans	\$40,793
DOE Wx	\$46,256
EHA TANF	\$55,000
EHA	\$55,000
FEMA	\$68,627
City SOS/PPL	\$73,697
LIEAP	\$77,876
City HAP/Pilot	\$92,423
<hr/>	
NET CHANGE IN PROGRAM REVENUE	(\$681,800)
NET CHANGE TO CGF INDIRECT SUPPORT	(\$75,681)
TOTAL NET CHANGE	(\$757,481)

## EXPENDITURES

Budget Fiscal Year: 97/98

Doc No.	Action	Fund	Agency	Org	Activity	Report Category	Object	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
		156	010	1201			6110	1,000	3,501	2,501		Professional Services
		156	010	1201			6120	15,747	11,747	(4,000)		Printing
		156	010	1201			6190	0	4,000	4,000		Maintenance Contracts
		156	010	1201			6200	406	706	300		Postage
		156	010	1201			6230	34,985	24,850	(10,135)		Supplies
		156	010	1201			6310	5,726	7,726	2,000		Education & Training
		156	010	1201			7100	54,790	54,897	107		Indirect @ 10.69%
		156	010	1201			7300	5,084	15,084	10,000		Motor Pool
		156	010	1201			7560	13,730	10,065	(3,665)		Distribution/Postage
											1,108	Org 1201 Subtotal
		156	010	1205			5100	191,740	167,780	(23,960)		Permanent
		156	010	1205			5500	34,433	30,130	(4,303)		Fringe
		156	010	1205			5550	20,656	17,425	(3,231)		Insurance
		156	010	1205			6060	3,022,445	2,848,939	(173,506)		Pass Through
		156	010	1205			7100	47,863	43,282	(4,581)		Indirect @ .7% & 10.69%
											(209,581)	Org 1205 Subtotal
		156	010	1230			6060	105,093	0	(105,093)		Pass Through
		156	010	1230			7100	13,387	12,651	(736)		Indirect @ .7%
											(105,829)	Org 1230 Subtotal
		156	010	1260			5100	381,900	354,819	(27,081)		Permanent
		156	010	1260			5200	0	11,291	11,291		Temporary
		156	010	1260			5500	68,580	63,716	(4,864)		Fringe
		156	010	1260			5550	49,812	46,571	(3,241)		Insurance
		156	010	1260			6060	11,040,037	11,103,086	63,049		Pass Through
		156	010	1260			6110	50,000	48,865	(1,135)		Professional Services
		156	010	1260			6230	0	4,400	4,400		Supplies
		156	010	1260			7100	136,107	134,343	(1,764)		Indirect @ .7% & 10.69%
											40,655	Org 1260 Subtotal
										(273,647)	(273,647)	SUBTOTAL

## BUDGET MODIFICATION NO. CFS08

## EXPENDITURES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 97/98

Doc No.	Action	Fund	Agency	Org	Activity	Report Category	Object	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
		156	010	1265			5100	242,303	147,366	(94,937)		Permanent
		156	010	1265			5200	90,258	67,318	(22,940)		Temporary
		156	010	1265			5300	0	2,096	2,096		Overtime
		156	010	1265			5400	2,373	3,213	840		Premium
		156	010	1265			5500	60,145	31,759	(28,386)		Fringe
		156	010	1265			5550	57,547	24,644	(32,903)		Insurance
		156	010	1265			6060	0	678	678		Pass Through
		156	010	1265			6110	18,000	21,062	3,062		Professsional Services
		156	010	1265			6120	2,260	460	(1,800)		Printing
		156	010	1265			6170	2,500	1,938	(562)		Rentals
		156	010	1265			6180	2,500	186	(2,314)		Maintenance Contracts
		156	010	1265			6220	100	25	(75)		Postage
		156	010	1265			6230	15,763	12,283	(3,480)		Supplies
		156	010	1265			6270	52,000	39,000	(13,000)		Food
		156	010	1265			6310	2,000	300	(1,700)		Education & Training
		156	010	1265			6330	375	175	(200)		Local Mileage
		156	010	1265			7100	67,313	44,230	(23,083)		Indirect @ 10.69%
		156	010	1265			7150	8,397	5,397	(3,000)		Telephone
		156	010	1265			7300	80	20	(60)		Motor Pool
		156	010	1265			7400	67,813	50,860	(16,953)		Building Management
		156	010	1265			7560	1,548	1,886	338		Distribution/Postage
											(238,379)	Org 1265 Subtotal
		156	010	1280			6060	748,295	501,111	(247,184)		Pass Through
		156	010	1280			6230	47,200	47,325	125		Supplies
		156	010	1280			6310	1,450	4,450	3,000		Education & Training
		156	010	1280			7100	56,221	54,825	(1,396)		Indirect @ 10.69%
											(245,455)	Org 1280 Subtotal
		100	010	9130			7608			(75,681)	(75,681)	Cash Transfer
		400	070	7522			6580			(39,375)	(39,375)	Insurance
		401	030	5905			6230			9,940	9,940	Motor Pool
		402	070	7990			6140			(3,000)	(3,000)	Telephone
		404	030	5950			6200			(3,327)	(3,327)	Distribution
		410	030	5630			6230			(16,953)	(16,953)	Building Mgmt
										(885,877)	(885,877)	GRAND TOTAL

## BUDGET MODIFICATION NO. CFS08

## REVENUES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 97/98

Doc No.	Action	Fund	Agency	Org	Activity	Report Category	Rev Source	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		156	010	1201			7601	139,139	140,140	1,001		CGF Subsidy
		156	010	1201			7601	54,790	54,897	107		CGF Indirect Support
											1,108	Org 1201 Subtotal
		156	010	1205			2160	250,000	60,000	(190,000)		City SOS
		156	010	1205			2769	20,000	5,000	(15,000)		Private Plumbing/PDX
		156	010	1205			7601	53,953	49,372	(4,581)		CGF Indirect Support
											(209,581)	Org 1205 Subtotal
		156	010	1230			2071	169,302	64,209	(105,093)		CSBG
		156	010	1230			7601	13,387	12,651	(736)		CGF Indirect Support
											(105,829)	Org 1230 Subtotal
		156	010	1260			2024	81,860	83,783	1,923		Gresham
		156	010	1260			2025	553,781	198,879	(354,902)		City HUD CDBG
		156	010	1260			2071	456,232	552,160	95,928		CSBG
		156	010	1260			2072	1,958,741	2,021,871	63,130		LIEAP
		156	010	1260			2075	288,976	357,603	68,627		FEMA
		156	010	1260			2084	28,119	12,119	(16,000)		City Relocation
		156	010	1260			2085	0	55,000	55,000		EHA TANF
		156	010	1260			2091	415,571	163,017	(252,554)		HAP SHP
		156	010	1260			2097	235,267	0	(235,267)		City ESGP
		156	010	1260			2116	218,500	234,749	16,249		SAFAH
		156	010	1260			2148	426,346	571,346	145,000		EHA
		156	010	1260			2155	192,750	162,750	(30,000)		REACH
		156	010	1260			2393	25,000	60,931	35,931		LIRHF
		156	010	1260			2394	173,983	355,966	181,983		SHAP
		156	010	1260			2395	12,500	12,365	(135)		State Vets
		156	010	1260			2719	140,000	2,680	(137,320)		City Emerg
		156	010	1260			2773	33,151	106,848	73,697		City SOS/PPL
		156	010	1260			2795	217,888	310,311	92,423		City/HAP Pilot
		156	010	1260			4915	0	4,988	4,988		Training Program Fee
		156	010	1260			6814	0	40,793	40,793		Bottles & Cans
		156	010	1260			7601	1,932,125	2,141,480	209,355		CGF Subsidy
		156	010	1260			7601	136,107	134,343	(1,764)		CGF Indirect Support
											57,085	Org 1260 Subtotal
										(257,217)	(257,217)	SUBTOTAL

## REVENUES

Budget Fiscal Year: 97/98

5/29/98

**BUDGET MODIFICATION NO. CFS08**

5. **ANNUALIZED PERSONNEL CHANGE** (Change on a full-year basis even though this action affects only a part of the fiscal year (FY).

		ANNUALIZED			
FTE	POSITION TITLE	BASE PAY	FRINGE	INSUR	TOTAL
(1.00)	Fiscal Assistant Sr (6027/156/010/1205)	(31,947)	(5,737)	(4,308)	(41,992)
(1.00)	Case Manager 2 (6297/156/010/1260)	(36,109)	(6,485)	(3,023)	(45,617)
(1.00)	Case Manager 2 (6297/156/010/1260)	(35,105)	(6,485)	(6,915)	(48,505)
(1.00)	Program Coordinator (6022/156/010/1265)	(35,184)	(6,317)	(5,185)	(46,686)
(9.00)	Case Management Assistant (6299/156/010/1265)	(312,332)	(38,307)	(36,406)	(387,045)
					0
					0
					0
					0
					0
					0
					0
(13.00)	<b>TOTAL ANNUALIZED CHANGES</b>	<b>(450,677)</b>	<b>(63,331)</b>	<b>(55,837)</b>	<b>(569,845)</b>

6. **CURRENT YEAR PERSONNEL DOLLAR CHANGE** (Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

			CURRENT YEAR			
FTE	POSITION TITLE	EXPLANATION	BASE PAY	FRINGE	INSUR	TOTAL
(0.75)	Fiscal Assistant Sr (6027/156/010/1205)		(23,960)	(4,303)	(3,231)	(31,494)
(0.50)	Case Manager 2 (6297/156/010/1260)		(18,055)	(3,243)	(1,512)	(22,810)
(0.25)	Case Manager 2 (6297/156/010/1260)		(9,026)	(1,621)	(1,729)	(12,376)
(0.25)	Program Coordinator (6022/156/010/1265)		(8,796)	(1,579)	(1,296)	(11,671)
(2.25)	Case Management Assistant (6299/156/010/1265)		(86,141)	(22,686)	(27,382)	(136,209)
	Temporary		(11,649)	(4,121)	(4,225)	(19,995)
						0
						0
						0
						0
						0
						0
(4.00)	<b>TOTAL CURRENT FISCAL YEAR CHANGES</b>		<b>(157,627)</b>	<b>(37,553)</b>	<b>(39,375)</b>	<b>(234,555)</b>



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES  
421 SW SIXTH AVENUE, SUITE 700  
PORTLAND, OREGON 97204  
PHONE (503) 248-3691  
FAX (503) 248-3379  
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe mcs*  
Department of Community and Family Services

DATE: May 29, 1998

SUBJECT: Budget Modification **CFSD#08**

**I. RECOMMENDATION/ACTION REQUESTED:** The Department of Community and Family Services recommends the approval of Budget Modification **CFSD#08**. This modification adjusts expenditures and revenue to bring the Division of Community Action and Development budget in line with projected year-end expenditures and actual revenue agreements.

**II. BACKGROUND ANALYSIS:** Budget Modification **CFS#08** adjusts the Department's budget to reflect changes to the Oregon Housing & Community Services Department Notice of Award and changes to revenue contracts with the City of Portland. **CFS#08** also makes several "housekeeping" adjustments to recognize additional revenue or make adjustments based on current year expenditure and revenue projections. The net decrease for the Department is \$681,800. Expenditures reductions include \$231,619 in personnel expenses, \$457,628 in contracted services, and \$66,502 in materials and services. Budget Modification **CFS#08** includes an annualized reduction of 13.00 FTEs a result of the closure of the Singles Housing Assessment Center (SHAC), the transfer of shelter services to the City, and termination of a City of Portland contract for the Department to administer the Private Plumbing Loan program.

**III. FINANCIAL IMPACT:** Budget Modification **CFS#08** decreases revenue to the Division by \$681,000. Net changes in this modification are Division Management increase of \$1,108; Community & Neighborhood Improvements decrease \$209,581; Community Change decrease \$105,829; Self-Sufficiency increase \$57,085; SHAC decrease \$254,809; and Low Income Weatherization decrease \$245,455. CGF Indirect Support is reduced by \$75,681. Changes to service reimbursement from the Fed/State Fund include: \$75,681 decrease to the General Fund due to the Indirect Support reduction; \$39,375 decrease to the Insurance Fund; \$9,940 increase to the Fleet Fund; \$3,000 decrease to the Telephone Fund; \$3,327 decrease to the Distribution Fund; and \$16,953 decrease to the Facilities Fund.

**IV. LEGAL ISSUES:** N/A

**V. CONTROVERSIAL ISSUES: N/A**

**VI. LINK TO CURRENT COUNTY POLICY: N/A**

**VII. CITIZEN PARTICIPATIONS: N/A**

**VIII. OTHER GOVERNMENT PARTICIPATION: N/A**



MEETING DATE: JUN 18 1998

AGENDA NO: C-2  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

BOARD BRIEFING: Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of deed to contract purchaser, BARBARA J. COLE, for completion of Contract #15766 (Property repurchased by former owner).

Deed D981552 and Board Order attached.

*6/24/98 ORIGINAL Deed & copies of  
all to VANESSA WITKA*

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: K. A. Tuneberg Barbara J. Cole

(OR)  
DEPARTMENT MANAGER: \_\_\_\_\_

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
JUN - 8 AM 9:15  
MULTNOMAH COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed D981552  
Upon Complete Performance of a Contract  
with BARBARA J. COLE

} ORDER  
98- 77

WHEREAS, on May 18, 1994, Multnomah County entered into a contract with BARBARA J. COLE for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchaser has fully performed the terms and conditions of said contract and is now entitled to a deed conveying said property to said purchaser; now therefore

IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 7, BLOCK 4, SARATOGA, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Dated this 18th day of June, 1998.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By   
Beverly Stein, Chair



REVIEWED:  
Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel

DEED D981552

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BARBARA J. COLE, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 7, BLOCK 4, SARATOGA, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$14,631.61.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

BARBARA J. COLE  
6915 N WILLIAMS AVE  
PORTLAND OR 97217

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 18th day of June, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*  
Beverly Stein, Chair

REVIEWED:  
Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By *Matthew O. Ryan*  
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:  
Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By *K. A. Tuneberg*

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON

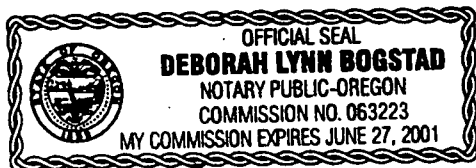
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 18th day of June, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: June 27, 2001

MEETING DATE: JUN 18 1998

AGENDA NO: C-3  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

BOARD BRIEFING: Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of deed to contract purchaser, J. W. FRIDAY, for completion of Contract #15645 (Property repurchased by former owner).

Deed D981553 and Board Order attached.

6/24/98 ORIGINAL Deed & copies of all  
to VANESSA WITKA

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_

(OR)  
DEPARTMENT MANAGER: K. A. Tuneberg W. E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

CLERK OF  
COUNTY COMMISSIONERS  
98 JUN - 8 AM 9:15  
MULTNOMAH COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed D981553  
Upon Complete Performance of a Contract  
with J. W. FRIDAY

} ORDER  
98-78

WHEREAS, on January 2, 1992, Multnomah County entered into a contract with J. W. FRIDAY for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchaser has fully performed the terms and conditions of said contract and is now entitled to a deed conveying said property to said purchaser; now therefore

IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 19, BLOCK 82, IRVINGTON, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Dated this 18th day of June, 1998.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:  
Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By Matthew O. Ryan  
Matthew O. Ryan, Assistant County Counsel

DEED D981553

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to J. W. FRIDAY, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 19, BLOCK 82, IRVINGTON, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$24,329.90.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

J. W. FRIDAY  
3036 NE 12TH AVE  
PORTLAND, OR 97212-3250

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 18th day of June, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:  
Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By Matthew O. Ryan  
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:  
Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON

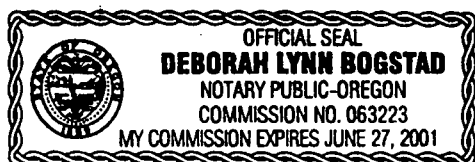
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 18th day of June, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: June 27, 2001



Meeting Date: JUN 18 1998  
Agenda No: C-4  
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** Report to the Board the Planning Commission decision to a request for Exception to Statewide Planning Goals 4 and 14 and a request to rezone Commercial Forest Lands to Multiple Use Agricultural to allow the upgrade of a youth/family camp.

**BOARD BRIEFING**      Date Requested:  
                                 Amt. of Time Needed:  
                                 Requested By:

**REGULAR MEETING**      Date Requested:      June 18, 1998  
                                 Amt. of Time Needed:      5 Min.

**DEPARTMENT:**      DES      **DIVISION:** Transportation & Land Use Planning  
**CONTACT:**      Robert Hall      **TELEPHONE:** 248-3043  
                                                         **BLDG/ROOM:** 412 / 109

**PERSON(S) MAKING PRESENTATION:** Robert Hall

### ACTION REQUESTED

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

### SUGGESTED AGENDA TITLE

Report to the Board the Planning Commissions decision to a request for Exception to Statewide Planning Goals 4 and 14 and a request to rezone Commercial Forest Lands to Multiple Use Agricultural to allow the upgrade of a youth/family camp.

### SIGNATURES REQUIRED

**Elected Official:** \_\_\_\_\_

or

**Department Manager:** KB Larry F. Nicholas

CLERK  
COUNTY COMMISSIONERS  
98 JUN 10 PM 12:26  
MULTNOMAH COUNTY  
OREGON



CASE NAME Goal 4-Forest Lands &amp; Goal 14-Urbanization Exceptions

NUMBER C 3-98 &amp; C 5-98

## 1. Applicant Name/Address

Multnomah County Transportation & Land Use Planning  
2115 SE Morrison Street  
Portland 97214

and

Trout Creek Bible Camp, Inc.  
38105 SE Gordon Creek Road  
Corbett, OR 97019

## 2. Action Requested by Applicant

Exception to Statewide Planning Goals 4 and 14, rezone to Multnomah County's Multiple Use Agriculture Zone (MUA-20), revision of Multnomah County's Comprehensive Plan from Commercial Forest Use to Multiple Use Agriculture, and application of Multnomah County's Special Plan Area District (SPA-5) to allow upgrade of existing youth/family camp in Multnomah County's East of the Sandy River Rural Area.

## 3. Planning Staff Recommendation

Denial of application as proposed, but approval of Goal 4 and Goal 14 exceptions with concurrent development of an Organizational Camp zoning district which would allow restoration and modification of established camp uses in areas designated Commercial Forest Use under an approved Master Plan.

## 4. Planning Commission Decision:

Denial as proposed and recommended, with a recommendation the proposed improvements be evaluated as expansions of a nonconforming use.

## 5. If recommendation and decision are different, why?

Planning Commission member, Daniel Kearns, prepared an 11 page memorandum (copy attached) discussing the goal exception process and changes to State of Oregon nonconforming use statutes (ORS 215.130) as modified by the 1997 Legislative Session. The Planning Commission concluded that ORS 215.130 now provided a process through which the improvements requested by the Camp could be considered without invoking the stringent Statewide Planning Goal exception process; and, until it was demonstrated the improvements could not be accomplished through the nonconforming use process, it was premature to consider Goal exceptions.

6. The following issues were raised at the hearing (*who raised them?*)

- Inadequate alternative site analysis. (Planning Commission).
- Lack of a quantitative Economic, Social, Environmental and Energy (ESEE) analysis of proposed Camp alterations (Planning Commission).

## 7. Do any of these issues have policy implications? Explain.

No, they involve the degree of the burden of proof that the Planning Commission considers necessary for an exception to a Statewide Planning Goal.

## ACTION REQUESTED OF BOARD

- ☒ Affirm Plan.Com./Hearing Officer
- ☐ Hearing/Rehearing
  - ☐ Scope of Review
    - ☐ On the record
    - ☐ De Novo
  - ☐ New Information allowed

**R E S O L U T I O N**  
**MULTNOMAH COUNTY PLANNING COMMISSION**

**WHEREAS,** The Multnomah County Transportation and Land Use Planning Division made application on behalf of Trout Creek Bible Camp for Exception to Statewide Planning Goals 4 and 14, rezone to Multnomah County's Multiple Use Agriculture Zone (MUA-20), revision of Multnomah County's Comprehensive Plan from Commercial Forest Use to Multiple Use Agriculture, and application of Multnomah County's Special Plan Area District (SPA-5) to allow upgrade of existing youth/family camp in Multnomah County's East of the Sandy River Rural Area;

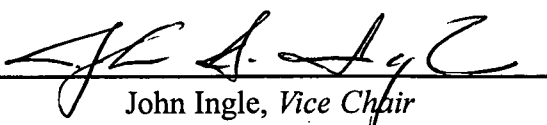
**WHEREAS,** The Planning Commission considered these matters at public hearings on April 20 and May 18, 1998 where all interested parties appeared and testified;

**WHEREAS,** The Planning Commission determined the application to lack appropriate detail in terms of an alternative sites analysis and economic, social, environmental and energy analysis to carry the burden necessary for a Statewide Planning Goal exception;

**WHEREAS,** The Planning Commission considered a memorandum from Commissioner Kearns recommending proposed Camp improvements be considered under the revised nonconforming use process provided by ORS 215.130 as amended by the 1997 Legislative Session;

**WHEREAS,** The seven Planning Commission members present voted unanimously to recommend denial of the request for exceptions to Statewide Planning Goals 4 and 14.

**NOW, THEREFORE, BE IT RESOLVED** that the Multnomah County Planning Commission recommends denial of these applications to the Board of County Commissioners.

  
John Ingle, *Vice Chair*


May 18, 1998



PRESTON GATES & ELLIS  
ATTORNEYS

MEMORANDUM

To: Multnomah County Planning Commission members

From: Daniel Kearns 

Date: May 14, 1998

Subject: Trout Creek Bible Camp

---

Since our last meeting, I have reviewed in detail the application and the May 18, 1998 staff report in this matter and have several thoughts on the law governing the approvals sought, staff's recommendation and the legal and policy implications this application presents. I provide this memorandum to the rest of the Planning Commission as a means of explaining my thoughts, and because my conclusions and recommendations are distinctly at odds with those of staff.

In short, I do not believe this application is approvable under Oregon law, at least in its current form and level of documentation. I also believe that the applicant's immediate objective of rehabilitating and replacing existing structures and up-grading to meet current structural specialty codes (as opposed to adding new structures and facilities) can be accomplished under current nonconforming use law without resorting to the exceptions process or adopting new zoning code chapters. Finally, I believe that approval of this proposal, especially in conjunction with staff's proposed code chapter (Organizational Camp), would deprive the County all ability to control the expansion, extent or use of this and other similar camps and would establish an extremely dangerous precedent on Goal 4 Forest Resource Land.

I recommend the applicant engage a professional land use planning consultant to assist in the reconfiguration of the application in a manner more consistent with State and County land use law, *i.e.*, through existing nonconforming use law and the County's conditional use permit process. This will accomplish the applicant's primary objective of replacing and rehabilitating the current facilities, and expand the facilities, while maintaining County control over the growth, expansion and any changes in use of the facility.

**I. The Applicant's and Staff's Proposals and General Background:**

A. Trout Creek Bible Camp and its Application: The Trout Creek Bible Camp ("TCBC") has been in existence for many years and has functioned basically as a summer camp for children up to high school age. The original buildings were constructed in the 1940s, and over the years, many more buildings have been added to accommodate an increasing demand for camp, retreat and rustic meeting facilities. Attached is a site plan index supplied by the applicant which lists the existing buildings as well as those new buildings proposed as part of this application. Most of the existing buildings were constructed before the time restrictive zoning was first applied; therefore, those structures (and the uses they encompass) have a lawful nonconforming status under state law. See ORS 215.130, *et seq.* (copy attached).

The TCBC has operated for many years and, according to the applicant, never at a profit. Most of the existing (original) buildings are in dire need of repairs or replacement and are not large enough nor well enough equipped to meet current demand, and these physical limitations limit the Camp's ability to operate in the cold and wet times of the year. Virtually none of the buildings meet current structural specialty code requirements, and all appear to be close to the end of their useful lifespans, at least without major repair work. Thus, the applicant's short-term goal appears focused on improving existing facilities to modern commercial, or at least code, standards.

TCBC's application appears to have a 2-fold objective: (1) to replace, repair and up-grade the existing buildings to meet demand and comply with current structural specialty code requirements and (2) to construct new buildings and facilities to allow for an expanded suite of programs, year-round overnight accommodations, to cater to a potentially larger market and to expand the capacity of the facility. According to the applicant, these objectives can be accomplished only through a change in current County law and by taking an exception to the requirements of state law.

The applicant maintains the proposal does not represent an expansion of the TCBC operations or facilities. However, in light of what is proposed, a temporal expansion will result in that the camp will be able to operate much earlier and later in the year, thus resulting in an increase in camper-nights.<sup>1</sup> The improvement of the current facilities, expansion of their carrying capacity and addition of facilities, *i.e.*, the horse training facility, will also attract a larger and more diverse market. This will likely result in an increase in the number adults (as opposed to children) and thus an increase in the number of vehicles (as opposed to buses). Thus, there is every reason to expect a commensurate increase in the impacts from this proposal, and the effect of those impacts

---

<sup>1</sup> The question of expansion requires at least some quantification of impacts under current and proposed conditions. Use of camps such as TCBC is typically measured in terms of camper nights, *i.e.*, the number of campers multiplied by the number of nights each one stays. Important impacts must also be quantified before the proposal can be properly evaluated. There should be an estimate of motor vehicles under current conditions and expected under the proposed increase, gallons of potable water needed and gallons of waste water generated, as well as a quantification of storm water displaced by impervious surfaces that will either need to be detained and treated or directed to surface water bodies.

on protected resources, such as Goal 4 forest land, is precisely the reason for land use regulation.<sup>2</sup>

B. Other Similarly Situated Camps: The TCBC is not unique as an east Multnomah County camp facility. At least 5 other privately owned and operated, nonprofit "camps" are situated on mostly commercial forest land in east Multnomah County. All cater, to one degree or another, to children, youth and church groups, and provide a venue for organizational meetings and corporate retreats with overnight accommodations. In addition to the school/church camp functions, all rent their facilities to corporations, clubs and similar groups for corporate or organizational meetings, conferences and retreats. The element common to TCBC and these other "organizational camps" is that the groups which use them and activities engaged in on site require self-contained, overnight accommodations. However, these organizational camps and the facilities required to support them are not permitted on Forest Land under State-wide Planning Goal 4. These camps were either established prior to the imposition of restrictive zoning, as is the case with the TCBC, or are located on land that is not Goal 4 forest land.

C. Staff's Code Amendment Proposal: At our April 20, 1998 staff suggested that a new chapter to the Multnomah County Code was required, or at least advisable, to achieve the applicant's objectives and maintain some level of County control over the scope and nature of the uses at this and other organizational camps. The code amendment proposal was not before the planning commission at that time because the statutorily required notice had not been provided for the proposal. It now appears that required notice has been given, thus, the amendment proposal may be before the planning commission for its consideration. The proposal involves the adoption of a complete new code chapter allowing "organizational camps" on CFU-zoned land. The chapter anticipates the use of a master planning process for organizational camps located in exception areas. Thus the utility of the chapter depends upon an exception to Goal 4 for each site - as explained below, a difficult undertaking at best, and a dubious assumption in any event.

## II. Analysis of the Application and Staff's Recommendation:

A. The State-wide Planning Goals and the Goal 2 exceptions process: The applicant's current and proposed uses are prohibited by state law on forest resource land, the use of which is governed by State-wide Planning Goal 4, its administrative rule and applicable portions of ORS chapter 215.<sup>3</sup> Uses allowed by state law on forest land are limited to: (1) uses related to and in support of forest operations, (2) uses to conserve soil, water, air quality and to provide for fish and wildlife resources, agriculture and

<sup>2</sup> As explained below, one of the application's shortcomings is its failure to describe fully or quantify the impacts expected to result from the proposal.

<sup>3</sup> The TCBC property is zoned and planned CFU (Commercial Forest Use) and is "forest land" as defined by Goal 4.

recreational opportunities appropriate in a forest environment, (3) locationally dependent uses and (4) forest dwellings allowed by law. The non-dwelling uses allowed on forest land are those specifically listed in the Goal 4 rule.<sup>4</sup> Organizational camps, such as TCBC, do not fit into any of the uses specified as being allowed on Goal 4 forest land; therefore, the presumption is that it is not allowed.

In addition to Goal 4, this application (or at least staff's proposed Organizational Camps chapter) also implicates Goal 11 (public facilities and services) and Goal 14 (urbanization). Goal 11 provides that urban types and levels of public services are only allowed on urban lands and not on rural lands. In this case, a community septic system and/or water system may be required to serve the proposed expanded TCBC or the camps allowable under the proposed Organizational Camps chapter, and the size and nature of those facilities may, in fact, be urban and not rural. If that proves to be the case, approval would require an exception to Goal 11. Similarly, Goal 14 requires that urban types and levels of use be located within an urban growth boundary (UGB) and only rural types and levels of use are allowed outside of UGBs. Depending upon the nature and intensity of use proposed for this or any other organizational camp, an exception to Goal 14 may be required.<sup>5</sup>

Under the Oregon land use system, there are only two ways that uses not allowed by the goals may lawfully be allowed: (1) where the use was lawfully established and in existence prior to the adoption of restrictive zoning<sup>6</sup> or (2) by taking an exception to those goals which preclude the use. The applicant has proposed an exception to Goal 4 (the goal which precludes this particular camp and its facilities) as the legal mechanism by which to validate the existing facilities and uses and to allow the proposed expansion. As explained below, however, a better approach may be to seek a validation of the nonconforming use and then apply to alter that level and kind of use.

Exceptions are just that, exceptions to the normal land use regulatory program, and thus by definition and by legislative intent, are extremely difficult to justify or obtain. This particular proposal involves a so called "needs exception," pursuant to which the proposal must be based upon a compelling need that cannot be met anywhere but the location approved (not necessarily the one proposed). The standards for approval of a needs exception are set forth in Goal 2 itself and the statute, *i.e.*, ORS 197.732, with further regulations set forth in the administrative rule, *i.e.*, 660-04-022.

---

<sup>4</sup> See OAR 660-06-025(2)-(4).

<sup>5</sup> That Goals 11 and 14 may be implicated was established by the Oregon Supreme Court in *1000 Friends of Oregon v. LCDC (Curry County)*, 301 Or 447, 724 P2d 268 (1986). See also, *DLCD v. Fargo Interchange Service Dist.*, 129 Or App 447, 879 P2d 224 (1994) and *DLCD v. City of Donald*, 129 Or App 468, 879 P2d 229 (1994).

<sup>6</sup> Such "nonconforming uses" are regulated, at least in counties, by ORS 215.130 and are allowed to exist but may not be expanded or changed, except by following the procedure prescribed by state law and the applicable local code.

03/13/80 FRA 10.02 FRA 0002400000 FORE LEE FVA 0000

A considerable body of LUBA and appellate court case law has evolved over each of these goal exception standards. The theme that has emerged demonstrates that an applicant must prove a compelling case that the use must be located on resource land and cannot be located on land for which a new exception is not needed (*i.e.*, on non-resource land or an area where an exception has already been taken), that the approved site cannot reasonably accommodate uses allowed by Goal 4 and that the long-term environmental, economic, social and energy consequences of using this resource site are not more adverse than would be the case on some other site for which a new exception would be needed. Reasons exceptions, when challenged, are seldom upheld by LUBA or the appellate courts.

In this case, the applicant's alternative sites analysis is inadequate. The applicant has improperly limited its search criteria so as to exclude all alternative sites from consideration.<sup>7</sup> The list of criteria is not realistic and several are unduly subjective (*e.g.*, the site must not be located in an "undesirable area"). Moreover, the application does not identify or realistically evaluate any alternative sites that would not require a new exception. The application does not adequately analyze alternative sites in a larger area from the perspective of relocating the camp or using land that would require a zone change or conditional use permit.<sup>8</sup> Based on existing LUBA case law, this alternative sites analysis is not adequate.

The application's other primary failing is its ESEE analysis. The application does not provide any complete or quantitative analysis of the scope of the expansion plans or its impacts. There are data on vehicle trips under current conditions, nor under the proposal. There are no data on camper nights under current or proposed conditions. There is only general information on water usage rates and almost no basis for determining water usage under the expanded proposal. The same is true with regard to waste water generation and storm water runoff. The proposal does not provide any estimate of impervious surface area by which to calculate storm water runoff; there is no provision for on-site storm water detention or treatment. There is no discussion of impacts to water quality from any of these potential disturbances. For example, there will be (and presumably is) a substantial amount of human disturbance within the riparian area surrounding Trout Creek. This and other activities will cause soil erosion and degrade water quality in a variety of ways.<sup>9</sup> Disturbance and destruction to riparian

<sup>7</sup> The applicant has limited its search for alternative sites analysis to locations within a "reasonable distance" from the current TCBC location, *i.e.*, approximately 1 hour drive from east Portland. Also, the site must contain natural features and resources that provide numerous educational and recreational opportunities. On its face, the second factor virtually excludes all non-resource lands. The applicant then adopted 4 additional subjective criteria which ensured the foregone conclusion that no alternative sites existed.

<sup>8</sup> Considering the admittedly dilapidated condition of the TCBC buildings, abandonment and relocation to another site must be considered as a viable alternative. In the face of the compelling state interest in the land use program, especially preservation of resource lands for resource uses, the price of acquiring and developing an alternative site cannot be considered to be material to this analysis.

<sup>9</sup> Soil erosion typically affects turbidity and suspended solids. Depending upon the nutrient content of riparian soils nitrate and BOD levels can be affected.



vegetation will cause increases to water temperature, and any septic effluent could also affect nutrient loading in Trout Creek. Again, the application contains no statement about current conditions, much less what might be anticipated with the proposed expansion.

There is no assessment of the wildlife habitat qualities of Trout Creek as required by recently adopted East of the Sandy River Rural Area Plan, thus there is no justification for the proposed incursions into the creek buffer. There is no assessment of impacts to federally listed endangered steelhead trout. There is no data as to what aquatic species live in this reach of Trout Creek, much less which might be sensitive to impacts from this proposal. To the extent that any information on any of these issues is provided in the application, none is certified by a suitably qualified expert, such as a professional engineer or wildlife biologist. Thus, even if the data were contained in the application and that data qualified as substantial evidence, none of the conclusions contained in the application relative to the approval standards can be deemed to be credible or reliable.

Notwithstanding staff's conclusions to the contrary, this application does not come close to meeting the extremely rigorous evidentiary standards required to justify a goal exception under Oregon law. For this reason alone, the application cannot be approved.

B. Nonconforming use law under ORS 215.130 and the County Code: In the packet for our May 18, 1998 meeting, the applicant has provided a memo addressing several of the concerns voiced at our April 20<sup>th</sup> meeting, including a matrix describing each of the buildings at TCBC, its use and the year each was constructed. Given that virtually all of these uses were allowed under the previous MUF-19 zone (Multiple Use Forest), all except for the swimming pool appear to have been lawfully established and thus are probably lawful nonconforming uses. ORS 215.130 provides the statutory basis for the County's regulation of nonconforming uses. The statute was most recently amended by the Legislature in the 1997 Session, which adopted the following pertinent provision:

(5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted. (emphasis added)

On its face, this provision allows outright the first objective of the TCBC, *i.e.*, to replace, repair and up-grade the existing buildings to meet demand and comply with

---

current structural specialty code requirements. More to the point, the County is prohibited from placing any conditions on TCBC's efforts to refurbish the existing facilities or to maintain them in good repair, so long as the use does not change.

With regard to TCBC's second objective, i.e., expansion and alteration of the current facilities, ORS 215.130 provides the following limitations:

(8) Any proposal for the verification or alteration of a use under subsection (5) of this section, except an alteration necessary to comply with a lawful requirement, for the restoration or replacement of a use under subsection (6) of this section or for the resumption of a use under subsection (7) of this section shall be subject to the provisions of ORS 215.416. An initial decision by the county or its designate on a proposal for the alteration of a use described in subsection (5) of this section shall be made as an administrative decision without public hearing in the manner provided in ORS 215.416 (11).

(9) As used in this section, "alteration" of a nonconforming use includes:

- (a) A change in the use of no greater adverse impact to the neighborhood; and
- (b) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

Thus, the new nonconforming use statute also allows for the alteration of nonconforming uses with the standard being "no greater adverse impact to the neighborhood." The scope and extent of this statutory authorization has not been tested in LUBA or the appellate courts.

The Multnomah County Code has long allowed the alteration of lawful nonconforming uses, but has provided a more elaborate list of approval criteria - all of which generally pertain to the nature and intensity of impacts to surrounding properties and uses. In particular MCC 11.15.8810 allows the expansion of nonconforming uses where the following standards are met<sup>10</sup>:

(E): An alteration of a non-conforming use may be permitted if the alteration will affect the surrounding area to a lesser negative extent than the current use, considering:

---

<sup>10</sup> MCC 11.15.8810(A)(1)&(2) parallel ORS 215.130(8)&(9) by allowing the alteration of a lawful nonconforming use that no greater adverse impact on the neighborhood. In making that determination, the ordinance requires the evaluation of 10 specific impact issues.

- (1) The character and history of the use and of development in the surrounding area.
- (2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.
- (3) The comparative numbers and kinds of vehicular trips to the site.
- (4) The comparative amount and nature of outside storage, loading and parking.
- (5) The comparative visual appearance.
- (6) The comparative hours of operation.
- (7) The comparative effect on existing vegetation.
- (8) The comparative effect on water drainage.
- (9) The degree of service or other benefit to the area, and
- (10) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

State and County regulations also impose limitations and controls on the nature and extent of nonconforming uses. By law, once established, a nonconforming use cannot lawfully expand or change from its original "nature or extent" without going through the above-referenced review and approval process. Moreover, if there is a lapse in use of 12 months or more, a conversion to another use or abandonment, the nonconforming use right is lost. These are important regulatory controls, because, by definition, nonconforming uses are not otherwise allowed and are an exception to the normal list of uses allowed. This regulatory control especially necessary where there is the risk of incremental yet substantial change or expansion of the use and where monitoring of impacts is otherwise difficult.

C. Staff's proposed new Code Chapter for Organizational Camps: Staff's recommendation of approval appears to be contingent upon the adoption of a new code chapter permitting "organizational camps." Staff's code amendment proposal, in turn, requires the case-by-case adoption of a Goal 2 exception in order to allow any organizational camps and the application of the new code chapter. The proposed code chapter has several significant problems which collectively make it highly unlikely that any organizational camps could be approved in a manner consistent with state law.

The regulatory theory, and enforcement mechanism of the proposed chapter, is that an organizational camp can only grow or expand according to its approved master plan - which requires a goal exception, master plan approval and design review.

However, the chapter provides no approval standards or even guidelines for the master plan approval, and there is no indication of how the master plan evaluation and approval process will relate to (or be integrated into) the goal exception approval process. Given the nature of use anticipated under this program, i.e., organizational camps which have little or no relationship to the forest land in which they are located, it is difficult to imagine that any organizational camps could meet the goal exception criteria in Goal 2, ORS 197.732 or the administrative rule. At a minimum, the goal exception must anticipate the full build-out possible under any particular proposed master plan, a combination of uses that would virtually ensure denial unless the master plan envisions extremely minor and low-impact expansion over time.

The chapter also presents an unimaginably long and complicated approval process, not counting appeals. Each goal exception would require a plan amendment and zone change, DLCD review, notice to and the likely opposition of 1000 Friends of Oregon,<sup>11</sup> exhaustive findings pertaining to each of the goal exception standards and an extremely clear and specific statement of the proposed use, including all anticipated expansions. After that, most applications would have to go through design review. The proposed code chapter does not explain how modifications to approved master plans would be processed, except possibly through the conditional use process under §2053, which provides standards patterned loosely on ORS 215.296.<sup>12</sup> Thus, modifications under the proposed chapter, even major modifications, appear to be substantially easier to obtain than the initial master plan approval. However, state law (Goal 2) would require any modification to an approved exception area to be processed in the same manner, and according to the same standards, as was the original exception. It is highly unlikely that LUBA or a reviewing court would deem the proposed conditional use permit standards an acceptable substitute.

Once approved, however, an organizational camp will obtain a permanent, vested right to continue and expand according to its master plan.<sup>13</sup> There does not appear to be any subsequent evaluation or review of the proposed impacts of any expansions based on actual data. The entire impacts analysis completed at the beginning and based on hypothetical impacts will control. Considering how difficult it is to predict or quantify

<sup>11</sup> 1000 Friends of Oregon is not entitled to notice of such applications by statute, but the land use watchdog organization has a standing request with DLCD to be notified of all such exception applications in the state. Any exception to the resource lands goals for a recreational use that could expand to or be converted into a destination resort will undoubtedly raise the opposition of 1000 Friends of Oregon.

<sup>12</sup> ORS 215.296 allows any of the (conditional) uses listed in ORS 215.213(2) and 215.283(2) on EFU land where the use will not: (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

<sup>13</sup> Once a goal exception and master plan is approved, there is also the real risk that the facility could be acquired by a more profit-oriented operator. An organizational camp approved through the process set forth in the proposed chapter would bestow a substantial and extremely valuable property right. Given the difficulties of siting destination resorts on resource land in Oregon, even relatively modest resorts, such a vested right would undoubtedly attract a certain amount of land and development speculation.

with any accuracy potential impacts from potential developments, this approach appears to be extremely hazardous, especially since, once approved, a master planned organizational camp would be beyond County control.

### III. Discussion:

I have identified 3 primary issues in this matter. First is the applicant's immediate need to replace, repair and up-grade the existing buildings to meet present demand and comply with current structural specialty code requirements. Second is the applicant's desire to upgrade the facilities, increase capacity and add new facilities and programs. The third important issue relates to the County's policy objectives and priorities in this application and all similarly situated parties, *i.e.*, the other nonprofit organizational camps.

A. The Applicant's short-term repair, replacement and reconstruction objectives can be achieved outright under ORS 215.130(5):

There appears little doubt that TCBC could prove entitlement to a nonconforming use for all structures on the site with the possible exception of the swimming pool. All or most of the buildings appear to have been lawfully constructed under the zoning regulations that existed at the time. However, subsequent code changes, most notably the elimination in 1993 of the MUF zone, now prohibit these uses. This is the definition of "nonconforming use." On its face, ORS 215.130(5) appears to allow outright the rehabilitation, refurbishment and possible replacement of all lawful nonconforming uses at the TCBC. This is especially so considering the clear need to bring these structures into compliance with the current structural specialty code.<sup>14</sup> Were the TCBC to proceed on this basis, the statute specifically prohibits the County from imposing any conditions of any sort. Given the clear statutory authority and simple procedural path, the applicant should proceed with its primary objective under ORS 215.130(5).

B. Some of the Applicant's long-term expansion and alteration objectives can be achieved through the alteration of its nonconforming use under ORS 215.130(8)&(9) and MCC 11.15.8810:

Equally clear is the statutory authority to alter (or presumably expand) a valid nonconforming use under ORS 215.130(8)&(9). The statute specifically authorizes local governments to adopt their own specific standards for implementing this charge, and Multnomah County has done so in MCC 11.15.8810. Approval of such an alteration would simply require a conditional use permit and compliance with the standards in §8810 demonstrating there would be no greater adverse impact on the neighborhood. While each alteration and expansion, unless consolidated, would have to be processed

<sup>14</sup> While not clear from the application, the improvements and alterations that would be required just to bring the present TCBC buildings into compliance with the current applicable structural specialty codes would be extensive.

separately, the process is nowhere near as complicated or burdensome as the exception and code text amendment presently before the Planning Commission.

- C. There are compelling policy reasons to deny this proposal as presented and to reject staff's proposed code text amendment.

Regardless of how the County proceeds in this matter, it should endeavor to maintain control over the use and expansion of the TCBC, and similarly situated camps, so as to limit their nature and extent to levels consistent with rural forest resource lands. Recreational/organizational camps such as TCBC are not allowed on Goal 4 forest resource land because the legislature has already determined they and their impacts are not compatible with the forest uses for which this land was designated. Therefore, the County should never grant a permanent, vested right to continue, much less expand such a use. It is sufficient that TCBC, and all other similar camps, have a vested nonconforming use right that is subject to divestiture if altered, abandoned or unlawfully expanded. Consequently, current nonconforming use law provides an optimal level of flexibility and growth potential for the property owner while maintaining maximum control over the use by the local government.

#### IV. Conclusions and Recommendations:

As presented, this application does not meet the approval standards set forth in Goal 2 for reasons exceptions, nor the parallel statutory provisions in ORS 197.732 or the administrative rule. The application, as submitted cannot be approved. Moreover, staff's proposed code amendment, adopting a chapter for "organizational camps" presents a host of policy problems which militate strongly in favor of denial of this or any similar text amendment.

At least the applicant's primary goal, if not its entire proposal, however, could be approved under existing State and County nonconforming use requirements. Not only would this approach be consistent with existing law, but it imposes a much less imposing evidentiary burden on the applicant. Moreover, validation of the existing camp facilities as nonconforming uses and approval of modest alterations through ORS 215.130(5) and MCC 11.15.8810 would retain the County's ability to control the expansion and alteration of this and all similar camps. Finally, the nonconforming use status would not permanently and irrevocably vest the applicant's right to continue and grow. The nonconforming use right could be lost through lapse, conversion to another use or through unlawful alteration or expansion.

I recommend that the applicant withdrawal its current application and hire a suitably qualified land use planning consultant. With the assistance of a planning consultant, the applicant could easily and inexpensively put together an application to validate its existing nonconforming use and expand/alter that use in a manner consistent with its present expansion plans. The County should abandon the proposal to adopt a code chapter allowing organizational camps.

Meeting Date: JUN 18 1998  
Agenda No: C-5  
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Report to the Board the Hearings Officer's decision on HV 5-98 & SEC 5-98.

**BOARD BRIEFING**      Date Requested:  
                                 Amt. of Time Needed:  
                                 Requested By:

**REGULAR MEETING**      Date Requested:      June 18, 1998  
                                 Amt. of Time Needed:      5 minutes

**DEPARTMENT:**      DES      **DIVISION:** Transportation & Land Use Planning  
**CONTACT:**      Tricia Sears      **TELEPHONE:** 248-3043  
                                 **BLDG/ROOM:** 412 / 109

**PERSON(S) MAKING PRESENTATION:** Stuart Farmer

**ACTION REQUESTED**

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

**SUGGESTED AGENDA TITLE**

Report to the Board the Hearings Officer's decision regarding an **Approval** of HV 5-98 & SEC 5-98 with conditions for a Major Variance for side yard setbacks and a Significant Environmental Concern Permit for a 1900 square foot addition to an existing single-family dwelling in the Commercial Forest Use zoning district.

**SIGNATURES REQUIRED**

**Elected Official:** \_\_\_\_\_

or

**Department Manager:** KB Larry F. Nicholas/uo

CLERK OF  
COUNTY COMMISSIONERS  
JUN 10 PM 12:26  
JULY COUNTY  
OREGON



## BOARD HEARING OF JUNE 18, 1998

TIME 9:30am

**CASE NAME:** Major Variance/ SEC

**NUMBER:** HV 5-98 and SEC 5-98

**1. Applicant Representative:**

N/A

**2. Applicant:**

Guy Wolcott, Jr.  
3705 SE Oxbow Parkway  
Gresham, OR 97030

**3. Subject Parcel:**

3705 SE Oxbow Parkway  
Tax Lot 38, Section 9, Township 1 South, Range 4 East, WM.  
Tax Account: R99409-0380

**4. Action Requested by Applicant:**

Approval of a Major Variance from the south property line or side yard setback. The applicant also requests approval for a Significant Environmental Concern (SEC) permit. The applicant proposes to add approximately 1900 square feet to the existing 900 square foot single-family residence on property located in the Commercial Forest Use (CFU) zoning district.

**3. Planning Staff Recommendation:**

Approval, with conditions.

**4. Hearings Officer Decision:**

Approval, with conditions as established by the Staff and by the Hearings Officer.

**Action Requested of Board**

- ☒ Affirm Hearings Officer Decision  
☐ Hearing/Rehearing  
☐ Scope of Review  
On The Record  
De Novo  
New information allowed



**5. If recommendation and decision are different, why?**

They were the same.

**6. Issues:**

The applicant requested a variance from the required 200-foot side yard setback of the CFU zone on the south and north sides of the 300-foot wide property. The existing 900 square foot dwelling was constructed when the zoning of the property required 10-foot side yard setbacks. The applicant proposes to build a 1900 square foot addition to the existing house, using the south and rear yards. The existing north property setback will be maintained by the applicant. The Hearings Officer decision received at the County on May 26, 1998 upholds the Staff recommendation of approval of the Major Variance. The Hearings Office established a Condition of Approval directing the applicant to provide the County with a survey of the property, performed by a State of Oregon licensed surveyor, showing the dwelling meets the requested and approved property setbacks (43 feet from the southern property line and 170 feet from the northern property line).

**7. Do any of these issues have policy implications? Explain.**

No policy implications have been identified.



Multnomah County Transportation and  
Land Use Planning Division  
2115 SE Morrison Street  
Portland, OR 97214  
phone: (503)248-3043 fax: (503)248-3389  
email: land.use.planning@co.multnomah.or.us

---

## HEARINGS OFFICER'S DECISION

---

This decision consists of findings of fact, conclusions of law and conditions of approval.

Case File: HV 5-98 and SEC 5-98  
Scheduled Before: Liz Fancher, Hearings Officer  
Hearing Date: April 15, 1998 & May 6, 1998

---

**WHAT:** Major Variance request to encroach into the required north and south, considered the side yards, setbacks of the subject parcel in the Commercial Forestry Use (CFU) zone. The applicant has also submitted for approval of a Significant Environmental Concern permit (SEC 5-98). The applicant proposes to build an approximately 1900 square foot addition to the existing 900 square foot house.

**WHERE:** 3705 SE Oxbow Parkway  
Tax Lot 38, Section 9, Township 1 South, Range 4 East, WM.  
Tax Account # R-99409-0380.  
See attached map.

**WHO:** *Applicant/*  
*Property Owner:* Guy Wolcott, Jr.  
3705 SE Oxbow Parkway  
Gresham, OR 97030

**ZONING:** Commercial Forest Use (CFU) and Significant Environmental Concern (SEC).

**Hearings Officer Decision:** Approval, subject to conditions, of the Major Variance request for the proposed encroachments into the required (200 feet) side yard setbacks from the north and south property line, as shown on Exhibit J2 of this land use application.

Approval, with conditions the Significant Environmental Concern permit.

### **Approval Criteria:**

The applicable approval criteria for this application include the following: Multnomah County Code (MCC); 11.15.2042 Commercial Forestry Use (CFU); 11.15.6400 Significant Environmental Concern (SEC); 11.15.8505 Variances; Comprehensive Plan Policies 13, 14, 22, 37, 38, and 40.

**Previous Related Cases:** PRE 12-89.

**Major Variance:** A request to modify a dimensional requirement by more than 25 percent. A Major Variance requires the applicant to demonstrate compliance with the approval criteria, plus obtain consent from all property owners within 100 feet of the subject property. A request for a variance where the applicant is unable to obtain the necessary property owner consent *must* be considered by the Hearings Officer at a public hearing. The lack of consent, however, is not a grounds for denial of the major variance request.

**Significant Environmental Concern (SEC):** The applicant is requesting approval of a Significant Environmental Concern (SEC) permit to build an addition to a single-family dwelling on the site. The subject parcel lies within an area designated Significant Environmental Concern which is subject to review and approval under a SEC permit.

### **Conditions of Approval:**

The following conditions of approval apply to the SEC permit approval:

1. Obtain a Grading and Erosion and Control Permit (GEC) for any grading or cut and fill activities on the subject property that involve more than 50 cubic yards of material.
2. Existing vegetation, with the exception of the grass lawn area of the site that adjoins and surrounds the residence shall not be disturbed by the construction activities associated with construction of the expansion to the single family residence.
3. None of the nuisance plants listed in MCC 11.15.6426 (B)(7) shall be planted on the subject property. The nuisance plants shall be removed and kept removed from cleared areas of the subject property.
4. The applicant shall cease development of the project in the event an object or objects of cultural significance are found and contact this office and the State Historic Preservation Office (SHPO) in compliance with Oregon Revised Statutes.
5. Prior to the issuance of building permits, the erosion control measures outlined in the application and this decision (silt fence and hay bales) shall be in place on the subject parcel. The applicant shall verify the placement of the erosion control measures on the site by submitting photographs of the site. The applicant shall maintain Best Erosion Control Practices through all phases of development.

The following conditions of approval apply to approval of the requested variance:

1. In accordance with the requirements of MCC 11.15.8505 (B), the variance will be void if substantial construction has not occurred on the subject property within 18 months of the approval of this request.
2. The variance, to allow construction of an addition to the existing residences, as described in the land use application, is approved as follows:
  - A. A reduction of the side yard setback from the southern property line from 200' to 43'.
  - B. A reduction of the side yard setback from the northern property line from 200' to 170' or the distance between the northernmost point of the existing dwelling and the northern property line, whichever is the greater setback distance.

- C. All portions of the new residence, including overhangs or projections from the building, shall be located within the approved setbacks.
3. This approval is based on the submitted application materials, as revised by the new materials submitted at the May 6, 1998 hearing. The proposed replacement dwelling shall be constructed on the subject property in accordance with the design, size, and location shown and described in the application materials submitted by the applicant. Additional submittals and actions may be required of the applicant as noted in these Conditions of Approval.
  4. The applicant shall file a copy of a survey of the new residential structure and the subject property, prepared by an Oregon registered professional land surveyor, with the Planning Division no later than one year following the issuance of a building permit for the expansion of the dwelling. The survey shall indicate the final location of the entire dwelling, including the expansion area. The survey shall accurately depict the location of exterior walls, foundations and overhangs or projections from the building. The survey shall also accurately depict the distance from all such building features to all property lines of the subject property. No other construction shall occur on the subject property without approval of another variance. If the residence is constructed so that it encroaches into the 43' southern property line side yard setback allowed by this decision, this permit shall be rendered void and all construction authorized by this permit shall be illegal and subject to removal by proper legal action brought by the County or by affected neighbors, including Paul J. and Kathleen Box.

The following conditions of approval apply to approval of the requested variance and SEC permit:

1. The applicant shall make an appointment with the Staff Planner, Tricia R. Sears, at Multnomah County by contacting her at (503)-248-3043, for building permit sign-off prior to submittal of building plans to the City of Gresham. The applicant, or his construction representative, shall meet with Ms. Sears or another County land use planner authorized to conduct said permit review, and to obtain County approval of the building plans prior to the commencement of any construction. The construction plans must show that the proposed dwelling expansion will occur in full compliance with the variance granted by the Hearings Officer and SEC permit requirements.
2. The applicant shall provide Ms. Sears or other authorized County Planning Division representative with four copies of a final site plan for the subject property, and obtain final approval of said plan from the Planning Division, prior to obtaining a building permit for the proposed expansion of the residence.

### **FINDINGS AND CONCLUSIONS:**

The findings and conclusions listed below support approval of the submitted applications. The Hearings Officer accepts staff and applicant findings, except to the extent that her findings hold otherwise.

**Description of Request:** Under case file PRE 12-89 when the property was zoned MUF-19, the applicant requested and received approval to construct a 30' x 30' residential dwelling on the site. At the time the property was zoned MUF-19, the side yard setbacks were 10 feet. Subsequently, in 1993 the zoning in this area was changed to CFU which has larger yard requirements. The subject property is only 300' wide. As a result, it is impossible to site a home on the subject property without encroaching into at least one of the required side yard setbacks. The current 30' x 30' residence encroaches upon the 200-foot side yard setback requirement of the CFU zone, as measured from the southern property boundary.

The applicant initially filed a variance request to authorize a 119' setback from the southern property boundary and a 121' setback to the northern property line. The existing property is approximately 300 feet wide from the north to south property lines. The applicant proposes an addition of approximately 1900 square foot to the existing structure. The applicant makes the request for the variance because the narrow width of the lot prevents him from complying with the side yard setback. Additionally, all of the expansion cannot occur to the west of the existing dwelling due to grade

and design constraints. The existing well and septic tank prevent the applicant from expanding his home to the north and to the east of the existing dwelling.

At the April 15, 1998 hearing, adjoining property owner Paul J. Box advised the Hearings Officer that Mr. Wolcott's variance request was in error. The requested variance was not large enough to allow the applicant to construct the dwelling he proposed in the land use applications. The orientation of the house on the lot was also inaccurate. The Hearings Officer advised the applicant that approval of the requested variance would not allow construction of an addition unless the entire addition was a minimum of 119' north of the southern property line. The Hearings Officer advised the applicant that if a greater variance was needed that additional notice would need to be provided to neighbors of the subject property and a new hearing would need to be held regarding the application on May 6, 1998. The Hearings Officer also advised the applicant that correct setback variance distances would need to be listed in the notice to area property owners. The applicant, therefore, agreed to provide accurate information regarding the required setback and to have the County send a corrected notice to neighbors and affected parties. The applicant also agreed to toll the running of the 150-day clock from April 15, 1998 until May 6, 1998.

A revised notice was mailed to affected property owners and parties on April 20, 1998. That notice showed a proposed setback from the southern property boundary of the subject property of 43 feet. The notice shows a distance of 170' to the northern property boundary for the inaccurate drawing of the proposed addition. The distance to the actual proposed addition is not shown.

### **Applicable County Code and Comprehensive Plan Policies:**

#### **1. 11.15.2042 Commercial Forest Use (CFU)**

#### **MCC 11.15.2048 (D): Alteration of an existing lawfully established single-family dwelling that:**

- (1) Has intact exterior walls and roof structures;**
- (2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**
- (3) Has interior wiring for interior lights;**
- (4) Has a heating system; and**

**Applicant:** No response.

**Staff:** The applicant has submitted building plans of the existing dwelling. The plans show intact exterior walls and roof structures; indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities; interior lighting; and a heating system. The applicant has noted the location of the dryer, pressure tank, and water heater on the building plans. According to the applicant there is baseboard heat throughout the house. The applicant submitted two photos on March 17, 1998 that show the exterior of the structure. A site visit by staff on March 26, 1998 verified the existing single-family dwelling has the required structural items cited above. The application meets the criteria.

**Hearings Officer:** The current dwelling meets the requirements of this code section and, therefore, qualifies for expansion of the dwelling as an outright use, subject to variance and SEC approval.

**MCC 11.15.2058 Dimensional Requirements**

**(A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.**

**Applicant:** No response.

**Staff:** The applicant parcel is 14.32 acres. The parcel is a Lot of Record as described in MCC 11.15.2062 (2). The current size (14.32 acres) and shape was legally created under F-2 zoning prior to October 6, 1977 when the first large acreage zoning designations (MUF-20) were placed on the property. Later zoning designations were MUF-19 (1980) and CFU (1993).

**Hearings Officer:** The subject property is 14.32 acres in size.

**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.**

**Applicant:** No response.

**Staff:** The subject parcel is accessed from SE Oxbow Parkway. The criterion is not applicable.

**Hearings Officer:** Maps of the subject property and adjoining roadway make it clear that the addition of the portion of the street right-of-way that would accrue to the lot if the street were vacated would not raise the size of the lot to 80 acres or more in size.

**(B) Minimum Yard Dimensions – Feet:**

<u>Frontage on County Maintained Road</u>	<u>Other</u>	<u>Side</u>	<u>Rear</u>
60 ft. from centerline	200 ft.	200 ft.	200 ft.

**Maximum Structure Height – 35 feet.**

**Minimum Front Lot Line Length – 50 feet.**

**The yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to MCC .8505 through .8525, as applicable.**

**Applicant:** No response.

**Staff:** The applicant has submitted a site plan, to scale, indicating the property setback dimensions of the site. The site plan is attached as Exhibit A(3)(1). The applicant's existing house does not meet the required 200-foot setbacks for the north and south yards, the proposed addition does not meet the property setbacks for the north and south yards. Note, at the time of construction of the existing 900 sq. ft. house (see case PRE 12-89 and related building permits), the setback requirements for the side yards was 10 feet. The 200-foot setback was recommended but was not a required minimum under the MUF-19 zoning. The applicant's current proposal maintains the less than required setback on the north yard and encroaches further into the setback from the south property line. The applicant has submitted a variance application to encroach into the setback (because it is already less than the required setback). The variance criteria are addressed below.

The applicant meets the required 200-foot yard setbacks on the west side, the rear yard. The applicant meets the eastside setback, the front yard, which requires 60 feet from centerline to the structure, of the subject parcel. The applicant meets the height limit of the zone. The applicant has provided elevations of the proposed residence. The elevations show a two-story single-family residence. The two-story structure minimizes the amount of ground used for the proposed addition to the existing dwelling. Hence, the applicant has minimized the distance to request the variance from the required setback.

**Hearings Officer:** The original site plan submitted by the applicant, referenced in staff findings above, was inaccurate. The site plan submitted as Exhibit J-2 at the May 6, 1998 hearing is the site plan that is the basis for the approval of the variance request. This code section makes it clear that the Hearings Officer may not apply the yard dimensions of the code to prohibit a use permitted outright. As discussed above, the expansion of the Wolcott residence is a use permitted outright.

## **2. Variance**

### **11.15.8505 Variance Approval Criteria**

**(A) The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).**

- (1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.**

**Applicant:** (Narrative received 2/25/98.) I need to be granted a variance because my lot is only 300' wide. The existing home is so small (900') that I think it would be to the County's benefit if I were allowed to make it more livable because I could have a more organized yard, better landscaping, and could park my cars inside. I think these added improvements would enhance the overall appearance of the scenic waterway. I cannot build to the front or rear without either moving my well (to the front), or building on a severe slope to the rear. I would also have to do extensive logging.

(Narrative received 3/17/98.) The property is only 300 ft. wide. It is impossible to comply with the 200-ft. setbacks. As previously indicated, the topography to the front and sides is relatively flat. However, to the rear, there is a small strip of fairly flat ground, and it then drops off down to the drainage swale. The strip of flat land behind the house is not big enough to build on. It is my opinion that building to the rear would produce unnecessary risk of erosion, and significantly more excavating would be required. As the site plan shows, it is nearly 60 ft. to the timberline to the rear. However, there are a couple of larger trees a little closer than the timberline that will need to be cut if I am forced to build to the rear. There would also be several more trees that would then be close enough to the house that they could be considered hazardous. If I am allowed to build to the side there will be no potential for erosion, and no logging necessary. It would make no sense to force me to build to the rear, if doing so would force me to alter or damage the natural environment you are trying to preserve.

(Narrative received 3/30/98 from All County Surveyors & Planners, Inc.) The intended use is for the addition to a house. The house is currently 30' wide and does not meet the required setbacks. The house was located on the property to meet setbacks from the water system, the

septic tank and drain field, and from a ravine located to the west of the house. There is currently about 40' west of the house to the edge of the ravine which has slopes of approximately 35%. The proposed addition of the house would be about 23' west and there would be about 15' of gently sloping ground before the ravine. Other houses in the area have not been limited by this same topography. Many of those homes were located on larger properties or granted variances. The location of the drain field and septic tank also make it impossible to extend the house to the north. This lot must have been created before the set back requirement of 200' since no structure could meet the set backs. There is a limited area where the house lines could be extended because of the ravine and the above mentioned site restrictions. The applicant has chosen the area with the least impact to the required set backs.

**Staff:** The subject parcel is a narrow lot, only 300 feet in width from the north to south sides. The subject parcel, as noted above in Section .2058 (A), has existed in its current size and shape since the change of the zoning designation in 1977. The subject parcel is constrained by the shape and the topography of the lot which limit the placement of structures on the site. The applicant has noted, in the narrative above, additional site constraints such as water system, septic tank, and drain field setback requirements that must be met. The use of the site is as a single-family residence. The applicant proposes to continue the use of the site as a single-family residence. A Staff site visit on March 26, 1998 showed the site constraints described by the applicant. Exhibits A(3)(2) and A(3)(3) show the subject parcel with topographic details of the site. Exhibit A(3)(2) is a GIS Arcview map of the site which includes the 20-foot Contour and River & Streams overlays on the subject parcel. Exhibit A(3)(3) is page 50 of the Multnomah County Slope Hazard Map, the subject parcel is not identified as an area of concern on the Slope Hazard Map. The application meets the criteria.

- (2) **The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.**

**Applicant:** (Narrative received 2/25/98.) I can not speak for the other properties in my district, but I would say that due to the circumstances noted above, the subject parcel has to be restricted to a greater degree than every one else in the area.

(Narrative received 3/30/98 from All County Surveyors & Planners, Inc.) Other properties have added to their homes or have built larger than the proposed home for this site. With the setbacks greater than the lot width it would be impossible to build any home, thus restricting the development on this lot to zero width. In order to minimize the impacts the applicant has positioned the addition away from adverse areas.

**Staff:** Use of the property is for a single-family residence. The subject parcel is 14.32 acres. The long, narrow shape of the parcel prevents the dwelling, as it is sited, from meeting the existing side yard setbacks, that is the north and south yards. The rear yard, for building purposes, is constrained by topographic and vegetative limitations. Dale Hurt from All County Surveyors and Planners, Inc. has stated that the slope of the ravine area to the rear of the house is approximately 35%. Exhibit A(3)(1) shows the site plan supplied by Mr. Hurt and shows the ravine area of the site as particularly steep. Exhibits A(3)(2) and A(3)(3) are topographic maps that show contour lines on the site. The application meets the criteria.

- (3) **The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.**



**Applicant:** (Narrative received 2/25/98.) As I stated in a previous narrative, approving this variance would not be detrimental to the public welfare, or injurious to other parcels in the district in any way. I think it would raise the value of adjacent homes because as it is now there is just a 30 ft. box of a house on the site. Building a \$300,000 house on the site would have to raise the value of the 20 year old, ~~some what run down homes~~ to the south. If the variance was not approved, I would have to do some logging, additional excavation, ~~and build an ugly house.~~ I know that that would be detrimental to the public welfare. Also, there is not a single house along the south line that is anywhere near the 200 ft. setback.

(Narrative received 3/30/98 from All County Surveyors & Planners, Inc.) There will not be any detrimental impacts to the public welfare. Adjacent lots have built similar homes. The lot adjacent to the south is also less than ~~the required~~ 200'. The new building will not prevent others from building on adjacent lots nor will it negatively impact the site or adjacent properties.

**Staff:** To the south of the subject parcel, most of the properties are zoned Rural Residential (RR). The property setbacks for the RR zone are: front is 30 feet, rear is 30 feet, street side is 30 feet, and side is 10 feet. The minimum lot size of the RR zone is 5 acres. Exhibit A(3)(4) shows the subject parcel and the zoning of the surrounding properties. Most of the properties to the south, as referenced by the applicant, are required to meet a 30-ft. or 10-ft. setback from a property line rather than a 200-ft. setback. Staff concurs that approving the variance request will not be detrimental to the public welfare. The subject parcel is adjacent to several parcels which are zoned with a designation and have setback requirements that could build to within 10 feet or 30 feet of the subject parcel. ~~The applicant's request for a variance will allow the proposed addition to come within 119 feet of the south property line. This setback distance is much greater than the setback requirement of the Rural Residential zoned properties to the south and east of the lot.~~ The granting of the variance does not adversely affect the appropriate development of the adjoining properties. The application meets the criteria.

**Hearings Officer:** The requested variance to 43' provides a side yard adjacent to the RR zone that exceeds the rear yard requirements of the RR zone by 13' (the area between the southern property line of the subject property and the dwellings on adjoining parcels is the rear yard area of those lots). The variance exceeds the side yard setback of the RR zone by 33'. If the Wolcott property were located in the RR zone, a 10' rather than a 200' setback would be required between the Wolcott dwelling and the southern property line of the subject property.

While the approval of this variance will lessen the privacy currently enjoyed by the Box family, the stringent setback requirements of the CFU zone were not established by the County to protect the privacy of neighboring residents. Instead, the 200' setback was established to protect other properties in the CFU zone from the impact that dwellings sited on forest land can have on forestry operations (due to resident complaints regarding slash burning, herbicide application, etc.). See generally, MCC 11.15.2042. As the property to the south is zoned RR, it is most logical for the applicant to seek to expand his home in that direction as the RR zone is not designed to protect forestry operations. Additionally, the CFU zone encourages the clustering of homes by allowing a 30' minimum setback if there is a dwelling on an adjacent lot that is located within 100' of a new dwelling. MCC 11.15.2058 (D).<sup>1</sup> This provision makes it clear that the

---

<sup>1</sup> The Box residence is located more than 100' from the proposed Wolcott residence so this code section would not allow Mr. Wolcott to site his home within 30' of the Box property without a variance. The point of this discussion, however, is to determine what degree of privacy the code provides as a minimum for homes in the RR and CFU zones. It is the Hearings Officer opinion that these minimums define a zone of privacy that should be honored in all but the most extreme hardship situations.

purpose of the 200' setback is not neighbor privacy, as a 30' setback is deemed appropriate when other homes are located nearby. As the applicant's request imposes a deeper yard than the 30' minimum allowed in the CFU zone for clustered homes, it still provides the more than the minimum amount of privacy guaranteed to adjoining home owners by the zoning ordinance.

The above findings by staff and the applicant that contain strike through text are not adopted as findings of the Hearings Officer. They are retained, with markings, to show that the Hearings Officer did not rely on those findings in rendering this decision.

- (4) The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.**

**Applicant:** (Narrative received 2/25/98.) I believe that the previous points in this narrative adequately explain that the granting of this variance would not adversely affect the realization of the comprehensive plan, and it will in no way change the purpose for which the land is being used. It is already a single-family residence, and it will remain as such – it is just a remodel.

(Narrative received 3/30/98 from All County Surveyors & Planners, Inc.) The granting of the variance will provide for the addition to an allowed use within the zone. All of the regulations of the comprehensive plan can still be satisfied if the variance is granted. The use is for a single family home and is allowed. The need for the variance is the least impacted area of the site. The ravine should be avoided, and the septic areas are mandated by the county. No new use is proposed by this permit application.

**Staff:** The site is zoned Commercial Forestry Use (CFU). Much of the surrounding property to the north and to the west is also zoned CFU. Most of the properties to the south and to the east are zoned Rural Residential (RR). Setback requirements of the RR zone are 30 feet from the rear, front, and street side from the property lines, and 10 feet on the side. See Exhibit A(3)(4). The applicant has addressed the Comprehensive Plan Policies (see below). The proposed addition does not adversely affect the realization of the Comprehensive Plan. The applicant, working with the existing residence, has minimized the impacts of the building addition by proposing a two-story addition and by having a footprint of the house showing the greatest area of addition in the portion of the site with the least constraint. The proposed expansion of the existing house on the subject parcel does not establish a new use of the land. The applicant shall meet the Conditions of Approval established within this document. The application meets the criteria.

- (B) A variance shall be void if the Planning Director finds that no substantial construction or substantial expenditure of funds has occurred on the affected property within 18 months after the variance is granted. That determination shall be processed as follows:**

- (1) Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.**
- (2) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:**
  - (a) Final Design Review approval has been granted under MCC .7845 on the total project, if appropriate; and**
  - (b) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other**

development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).

- (3) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
- (4) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.

**Response to Concerns Raised by Paul J. Box and Kathleen Box**

April 15, 1998 letter

*The measurements on the site plan are grossly inaccurate.*

**Hearings Officer:** The measurements on the site plan were grossly inaccurate. The applicant was required to submit a revised site plan with accurate measurements and new notice regarding the actual setback variance needed to construct the addition to the Wolcott home was provided to those entitled to receive notice of the variance and SEC proceeding.

*The development will drastically encroach upon and severely alter the character of the living space on the Box property. The drainfield should be relocated to allow the new home to be sited toward the northern property boundary. Mr. Wolcott has little regard for the feelings and privacy of his neighbors.*

**Hearings Officer:** A 10' side yard setback would apply to the Wolcott home if it were located in the RR zone that applies to the Box residence. The extremely large 200' setback established for the CFU zone is intended to protect forestry operations that are occurring on adjoining properties, not neighbor privacy. As the Wolcott residence will be a full 43' from the shared boundary line of the Wolcott and Box properties, the Hearings Officer finds that the amount of privacy provided to the Box residence is adequate and consistent to what is expected in the RR zone. It is also consistent with the 30' minimum setback that applies to.

The Hearings Officer does not find it to reasonable to require the applicant to tear out a functional and approved drainfield and septic tank so that he can expand to the north of the existing residence. Further, such an expansion would bring the home closer to another CFU zoned property. As the 200' setback is designed to protect that property and not the Box property, the Hearings Officer finds that it is reasonable to allow a variance on the side yard that adjoins the RR zone instead of on the side yard that adjoins the CFU zone. The fact that the adjoining CFU property may be owned by Mr. Wolcott's parents is not relevant to this analysis as it is the zoning, not the ownership, of the property that controls the analysis.

Mr. Wolcott's comments regarding the character of adjoining homes and his characterization of those who send their children to public schools shows a considerable lack of tact and good judgment. These comments indicate that Mr. Wolcott has little regard for the feelings of his neighbors. This fact does not, however, allow the Hearings Officer to deny Mr. Wolcott's requested land use action. It is sincerely hoped by the Hearings Officer that Mr. Wolcott will

be considerate of his neighbors once this approval is granted and will follow the terms of this approval to the letter. The conditions of approval have been written to assure that Mr. Wolcott will be required to demonstrate proof of compliance with the requested variance. The conditions were also written to provide that any encroachment into the 43' setback area adjacent to the southern boundary shall render this approval void and be grounds for removal of the entire addition authorized by this permit. This condition was deemed necessary to require the applicant and his agents to act with greater care in complying with governmental regulations regarding the development of the Wolcott property. The complete lack of accuracy in the initial variance request is a matter of great concern to this Hearings Officer. The lack of accuracy and regard for the land use review process makes it necessary for the Hearings Officer to provide a sufficient motivation to Mr. Wolcott to comply with the law.

May 6, 1998 Letter from Paul J. and Kathleen Box

*The remodel will affect the character of the living space of the Box property. The change in the setback will seriously harm the privacy of the Box property.*

**Hearings Officer:** The construction proposed for the Wolcott property is the same type of construction that is allowed to occur on RR zoned property, including on the Box property. The Hearings Officer finds that the setbacks of the RR zone establish a statement of what is believed to be reasonable spacing between rural residential properties as the RR zone is established primarily to facilitate rural residential life. The primary purpose of the CFU zone is to encourage forest practices, not to protect residential privacy. As a result, the Hearings Officer finds that the standards of the RR zone establish the type of setbacks that it is reasonable for the Box family to expect between rural residential houses, absent a concern for the impact of the spacing standard on forestry values in the area. The requested variance maintains a yard requirement that significantly exceeds the RR zone standards and the CFU minimum yard allowed to encourage the clustering of dwellings and thereby provides the Box family with the amount of privacy that the County has determined is appropriate for rural residential dwellings.

**3. Significant Environmental Concern (SEC) Zone:**

**MCC 11.15.6404 - Uses - SEC Permit Required:** (A) All uses permitted under 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 MCC .6406, shall be subject to an SEC permit.

**MCC 11.15.6408 - Application for SEC Permit:** An application for an SEC permit for a use or for the change or alteration of an existing use on lands designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:

“(C) An application for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6426."

**Applicant:** No response.

**Staff:** The applicant submitted a written description addressing the above criteria on January 29, 1998. The applications for the Major Variance and the Significant Environmental Concern were deemed complete on March 19, 1998.

**11.15.6420 - Criteria for Approval of SEC Permit:** The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on the Multnomah County sectional maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

- a. .6420 (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 floodwater storage area.

**Applicant:** Landscaping between the addition to the house and the river will not be necessary because the house is not and will not be visible from the river. All vegetation between the house and the river will be left in a natural state.

**Staff:** The applicant's site plan and photographs show the applicant will remove minimal amounts of landscaped vegetation, essentially just grass will be removed. A minimal, if any, amount of natural vegetation will be removed to accommodate the proposed addition to the existing house. Most of the subject parcel will remain in landscaped or natural vegetation. In addition to replanting the grass, the applicant has expressed a willingness to plant vegetation for landscape purposes if required to do so. No additional landscaping is currently proposed. The applicant states the house is not visible from the river. A Staff site visit on March 26, 1998 confirms that the proposed addition will disturb very little of the vegetation on-site. The existing house is sited in a flat, grassy area. To the rear, as described by the applicant narrative for the variance request noted above, the slope becomes quite steep in the ravine area. The application meets the criteria. Conditions of Approval #2 and #3 establish vegetative requirements.

- b. .6420 (B): Agricultural land and forest land shall be preserved and maintained for farm and forest use.

**Applicant:** There is no agricultural area on my land. All forest areas will be left in tact and undisturbed.

**Staff:** The applicant states the forest areas will be left undisturbed and that no agricultural land exists on the subject parcel. The site plan and photographs submitted by the applicant support this statement. The proposed addition to the existing house does not disturb the forest land on the subject parcel. A site visit by Staff on March 26, 1998 confirms the applicant's statement. The application meets the criteria.

- c. .6420 (C): 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.

**Applicant:** All I intend to do is add on to the house. It will not harm the environment, the view from the river, the wildlife, the aura or anything else because there is already a house there.

**Staff:** The applicant proposes to locate the approximately 1900 sq. ft. addition to the existing house into the south yard. The site plan indicates a clearing exists on the portion of the subject parcel where the existing house is located. The applicant narrative states that yard landscaping will be completed before "the rain starts this fall." The applicant has considered the functional consideration of the replacement dwelling with the need to preserve and protect this area of environmental significance. The applicant has provided elevation plans that show the design of the proposed addition and the materials to be used. The applicant proposes a two-story, black or brown roofed home with mocha brown siding and light brown trim. As noted in the Staff response to the applicant narrative for the variance request, the site is constrained by the narrowness of the lot (300 feet), and the locations of: the existing drain field, the existing septic tank, and the existing well. The application meets the criteria to balance the functional considerations and costs with the need to preserve and protect areas of environmental significance.

- d. **.6420 (D): 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.**

**Applicant:** The house is not intended to be an amusement park so I do not see how there could be any recreational needs to satisfy. My family will be well within the limits of the carrying capacity of the land, therefore the environmental impact will be negligible.

**Staff:** The subject parcel is a single-family residential zoned parcel. The applicant proposes to use the site as a residential site and has recreational needs consistent with a residential development. These needs are consistent with the carrying capacity of the land and shall be carried out with minimum conflict to this area of environmental significance. The application meets the criteria.

- e. **.6420 (E): 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.**

**Applicant:** The public safety will not be a problem because the public will not be permitted to trespass. The property will be protected from trespass and vandalism to the maximum extent allowable by the law.

**Staff:** The applicant's proposed addition to the single-family dwelling will not increase the need for the level of protection currently provided. The applicant submitted a completed Police Service Review Service Provider form with the SEC application. The application meets the criteria.

- f. **.6420 (F): Significant fish and wildlife habitats shall be protected.**

**Applicant:** The land does not front the river; impact to fish habitat would take special effort that I am not willing to put forth. The wildlife habitat will be undisturbed.

**Staff:** The Multnomah County Wildlife Habitat Map does not show the subject parcel as part of the Sensitive Big Game Wintering Areas map. The applicant proposes to replace the existing dwelling and does not propose any changes to the site that will inhibit the function of the wildlife habitat of the site. The impact of the proposed addition to the existing dwelling to fish and wildlife habitats is minimal.

- g. **.6420 (G): The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

**Applicant:** All natural vegetation between the house and the river will be left in tact and completely natural.

**Staff:** The National Wetlands Inventory and the Multnomah County wetland maps indicate the subject parcel does not contain wetlands. The applicant narrative states that "a silt fence will be placed around the low side of the site, and on the low side of the pile of dirt." The location of the silt fence is shown on the applicant's site plan, Exhibit A(3)(1). The applicant is to comply with Best Erosion Control Practices through all phases of development, as a part of complying with Condition #5 of the SEC permit conditions. The application meets the criteria.

- h. **.6420 (H): Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

**Applicant:** There are no archaeological areas on the land.

**Staff:** The applicant shall stop development of the project in the event objects of cultural significance are found and contact this office and the State Historic Preservation Office (SHPO) in compliance with Oregon Revised Statutes. Condition of Approval #4 establishes this requirement.

- i. **.6420 (I): Areas of annual flooding, floodplains, 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.**

**Applicant:** There are no areas of annual flooding on the land.

**Staff:** The subject property is not identified on County Zoning maps of Federal Emergency Management Agency (FEMA) maps as being within a 100-year floodplain or flood way. No wetlands have been identified, based on the National Wetlands Inventory Map for Multnomah County. This parcel does not appear to include any areas of annual flooding, a flood plain, or a wetland. Further, the applicant has demonstrated the site will be maintained in its natural state to the maximum possible extent. The application meets the criteria.

- j. **.6420 (J): Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restrictions on timing of soil disturbing activities.**

**Applicant:** Erosion will not be a factor because the only soil I will be moving will be on absolutely flat ground, and will be limited to the amount necessary to pour a slab.

**Staff:** There is no evidence of erosion on site at this time. If soils are to be stockpiled (stored) during construction, these soils would be susceptible to rains, etc. Best Management Practices include the use of silt fences and hay bales to reduce sediment eroding off site or into streams and other areas. Best Management Practices will be required by Condition #5, through all phases of construction. The applicant site plan indicates the location of the silt fence, see Exhibit A(3)(1). The application meets the criteria.

- k. **.6420 (K): The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

**Applicant:** My project will not be affect the quality of the air, water, or land resources but there will be small amounts of noise throughout the construction process. None of these noises, however, will be audible from the river.

**Staff:** Once completed, the applicant's request for a replacement dwelling would have no greater impact on air, water, and land resources and noise levels than the existing dwelling. Equipment used in the construction may produce some temporary increases in noise levels and pollution discharge however the impact is so minor and of such a temporary nature it would have negligible impact. Provided Best Erosion Control Practices are followed, water and land resources will be preserved to the intent of this section. Condition of Approval #5 establishes the requirement for Best Erosion Control Practices. The application meets the criteria.

- l. **.6420 (L): 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.**

**Applicant:** The house will be painted earth tones. I do not intend to erect any signs.

**Staff:** The applicant has submitted elevation plans for the proposed replacement dwelling that show the exterior finish of the house. On the elevation sheet, the applicant has indicated the materials the proposed addition will have a brown or black roof. Also, as indicated on the elevations, the siding of the house will be mocha brown, LP or HardiPlank, and the trim is light brown. The proposed addition is approximately 26 feet in height. The design, bulk, construction materials, and colors of the proposed building addition and existing house are compatible with the character and visual quality of the significant environmental concern area. The applicant meets the criteria.

- m. **.6420 (M): An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of natural vegetation, shall be retained in a natural state to the maximum extent possible.**

**Applicant:** There are not any fragile or endangered plants on the property.

**Staff:** The applicant's site is not designated as part of the Sensitive Big Game Wintering Areas on the Wildlife Habitat map. Conditions of Approval #2 and #3 discuss on-site vegetation.

- n. **.6420 (N): The applicable Policies of the Comprehensive Plan shall be satisfied.**

**Applicant:** The Policies are addressed in the narrative submitted February 25, 1998..

**Staff:** MCC 11.15.6420 (N) is an applicable standard of the Code and specifically requires a finding of compliance with applicable Policies. Plan Policies 13, 14, 22, 37, 38, and 40 all require a finding prior to approval of a Legislative or Quasi-Judicial Action that the certain factors have been considered. Administrative Actions are Quasi—Judicial and therefore, Plan Policies 13, 14, 22, 37, 38, and 40, are addressed in this decision.



## **Comprehensive Plan Policies**

### **a. Policy No. 13, Air, Water and Noise Quality:**

**Multnomah County, ... Supports efforts to improve air and water quality and to reduce noise levels. ... Furthermore, it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to Air Quality, Water Quality, and Noise Levels.**

**Applicant:** Irrelevant, my house will in no way pollute anything, and, one construction is complete, there won't be any noise than there is now.

**Staff:** During the time of construction of the addition noise may increase slightly and temporarily. No significant impact on air pollution, water quality and noise quality will result from the addition to the existing single-family residence in compliance with conditions of approval and in compliance with applicable agencies (eg. Sanitarian, Building Codes).

### **b. Policy No. 14, Development Requirements:**

**The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

#### **A. Slopes exceeding 20%.**

**Applicant:** The building site is flat.

**Staff:** The subject parcel is not identified on Multnomah County's Slope Hazard Map. The subject parcel contains a soil type, Haplumbrepts (20F), that has "slopes of 50 to 90 percent" according to the Soil Survey of Multnomah County, Oregon. The applicant is not building on the steep slope area. The subject parcel meets the criteria.

#### **B. Severe soil erosion potential.**

**Applicant:** Erosion control measures will be taken to prevent any erosion.

**Staff:** The subject parcel soil is composed of four soil types according to the soils map on file at Multnomah County: Cornelius silt loam (10B and 10C), Haplumbrepts (20F), and Powell silt loam (34C). The applicant narrative states "a silt fence will be placed around the low side of the site, and on the low side of the pile of dirt. The building site is almost absolutely flat." The applicant is required to maintain Best Management Practices for erosion control before, during, and after construction. Condition of Approval #5 establishes this. Exhibit A(3(1) shows the location of the silt fence on the subject parcel.

#### **C. Land within the 100 year floodplain.**

**Applicant:** We are nowhere near a floodplain.

**Staff:** According to the Flood Insurance Rate Maps (FIRM), the subject parcel is not within the floodplain. The applicant meets the criteria.

#### **D. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year.**

**Applicant:** The water table is definitely deeper than 2 feet year round.

**Staff:** According to the Soil Survey of Multnomah County, Oregon, one of the soils on the subject parcel, Powell silt loam, has a water table at a depth within 24 inches of the surface for 3

or more weeks of the year. From December through April, the water table is at a depth of 18 to 24 inches.

**E. A fragipan less than 30 inches from the surface.**

**Applicant:** There is no fragipan within 30 inches of the surface.

**Staff:** According to the Soil Survey of Multnomah County, Oregon none of the four soil types on the subject parcel have a fragipan less than 30 inches from the surface. The subject parcel meets the criteria.

**F. Land subject to slumping, earth slides or movement.**

**Applicant:** The land has never slumped, sagged, slid or bounced in the past – so I don't see how my building on a flat site could affect that.

**Staff:** According to the Soil Survey of Multnomah County, Oregon, "Slumping occurs in areas of cut and fill" of Haplumbrepts soil type. Note that Condition of Approval #5 requires the implementation of Best Management Practices throughout all phases of construction. The applicant site plan, Exhibit A(3)(1), shows the location of the silt fence to be situated on -site. The applicant has met the criteria.

**b. Policy No. 22, Energy Conservation:**

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. ... The County shall require a finding prior to approval of a legislative or quasi-judicial action that the following factors have been considered:

- A. The development of energy-efficient land uses and practices;
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreation centers;
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.

**Applicant:** My house will not use very much energy – and it will be constructed to use as little energy as possible. Mass transit is not an issue out where the site is located – it is not an urban area. I will not be altering the street layout in any way – it is just a remodel!

**Staff:** The applicant proposes to build an addition to an existing single-family residence. The applicant is not intensifying the use of the site or increasing the density of the site. Street layouts and lotting patterns are already in place and the applicant does not propose to change them. The applicant does not propose to use renewable energy resources. The applicant meets the criteria.

**c. Policy No. 37, Utilities:**

The County's policy is to require a finding prior to approval of a legislative hearing or quasi-judicial action that:

### **WATER DISPOSAL SYSTEM:**

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. There is an adequate private water system, and a public sewer with adequate capacity.

**Applicant:** The private water and sewage systems are adequate to handle this remodel – see enclosures.

**Staff:** The applicant has submitted the Certification of Water Service form and has included a copy of the State well report for the site. The applicant has submitted a City of Portland Environmental Soils Section Report of Subsurface Sewage Systems report in place of the Certification of Private On-Site Sewage Disposal. The report is dated with a January 21, 1998 approval (submitted 2/25/98). The applicant meets this criteria.

### **DRAINAGE:**

- E. There is adequate capacity in the storm water system to handle the increased run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, and lakes or alter the drainage on adjacent lands.

**Applicant:** Storm water run off will not be a problem – the existing system will more than handle the run-off. The run off will not affect the quality of the water in adjacent streams, and it will not be allowed to drain onto the land of others.

**Staff:** The applicant has submitted a site plan that indicates the location of the existing drain field, existing septic tank, and the existing well. The applicant has submitted a City of Portland Environmental Soils Section Report of Subsurface Sewage Systems and a State of Oregon Department of Environmental Quality Certificate of Satisfactory Completion Subsurface or Alternative Sewage System. The applicant has met the criteria.

### **ENERGY AND COMMUNICATIONS:**

- H. There is an adequate energy supply to handle levels projected by the plan; and

I. **Communications facilities are available.**

**Applicant:** The energy supply already installed on the existing [sic] will handle the addition without any problem, and the phone lines already installed are adequate.

**Staff:** The applicant has met the criteria.

c. **Policy No. 38, Facilities:**

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

**School**

A. The appropriate school district has had an opportunity to review and comment on the proposal.

**Fire Protection**

B. There is adequate water pressure and flow for fire fighting purposes; and

C. The appropriate fire district has had an opportunity to review and comment on the proposal.

**Police Protection**

D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

**Applicant:** ~~It is none of the local school districts business what I am doing on my land to my house. Further more, I will not send my children to a public school to be brainwashed by idiots anyway.~~ The fire district said that they are not at all concerned, unless I was putting 3 houses on the same driveway. I am not. The Sheriffs Office granted approval.

**Staff:** The applicant has submitted the "Fire District Review" Service Provider form signed by Tualatin Valley Fire & Rescue Fire Prevention. The applicant has addressed the criteria.

**Hearings Officer:** Notice and an opportunity to comment is routinely provided to the appropriate school district by the County.

d. **Policy No. 40, Development Requirements:**

The County's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.

B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.

C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.

**Applicant:** There is no need for public bike paths, or any other public business on my property because if they want to go to the park, they can ride down the middle of the county road. Pedestrians will not be welcome either. Park benches will not be appropriate on my property, nor will bicycle parking spaces.

**Staff:** There are no pedestrian or bicycle path connections to parks, recreation areas or community facilities plans for the site or in the vicinity. Landscaped areas are not required for the subject parcel, it is zoned single family residential (CFU). Bicycle parking facilities are not required for this development.

Dated this 20<sup>th</sup> day of May, 1998.

Liz Fancher, Hearings Officer

Appeal to the Board of County Commissioners:

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the Transportation and Land Use Planning division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal required a completed ANotice of Review≡ for and a fee of \$500.00 plus a \$3.50 per-minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the Planning Office at 2115 SE Morrison St., Portland, or you may call 248-3043 for additional instructions.

#### Procedural Information Regarding Application

**Case File:** HV 5-98 and SEC 5-98

**Location:** Tax Lot 38, Section 9, Township 1 South, Range 4 East, WM.

**Application Timeline:**

Pre-Application Conference: NA

Application received with full fees: SEC on January 28, 1998; HV on February 25, 1998.

Application incomplete letter mailed: SEC on February 18, 1998; HV on March 16, 1998.

Determination that application is complete (both projects) (letter mailed): March 19, 1998

**Begin "120/150 day timeline"**

Notice of a Public Hearing (mailed): March 25, 1998

Staff Report available: April 8, 1998

Public Hearing before Hearings Officer: April 15, 1998 **Day 28**

**120/150 day timeline tolled as of April 15, 1998**

Public Hearing before Hearings Officer: May 6, 1998 **Day 28**

Decision Written: May 20, 1998 **Day 42**

Case File: HV 5-98/SEC 5-98

Hearings Officer's Decision

Staff Planner: Tricia R. Sears

(503)-248-3043

**List of Exhibits:**

**List A: Staff Exhibits:**

1. HV and SEC Application Forms, A(1)
2. Applicant's Response to Approval Criteria, A(2)
3. Staff's Labeled Exhibits, A(3)
  - Exhibit 1: Applicant Site Plan, A(3)(1)
  - Exhibit 2: GIS Arcview 3.0 Topographic Map with 20 Foot Contour and River & Stream overlays, A(3)(2)
  - Exhibit 3: Slope Hazard Map pg. 50, A(3)(3)
  - Exhibit 4: Site and Surrounding Area Zoning Map, A(3)(4)

**List B: Notification Information:**

1. "Complete application" Letter (dated March 19, 1998), 1 page
2. Notice of Hearing (dated March 25, 1998), 4 pages
3. Affidavit of Posting (dated April 4, 1998), 1 page

**List C: Multnomah County Documents**

1. Staff Report – April 8, 1998

**List D: Documents Submitted at April 15, 1998 Public Hearing:**

1. April 10, 1998 Supplemental Information from Tricia R. Sears to Hearings Officer, Applicant and Interested Parties
2. April 15, 1998 Letter from Paul J. Box and Kathleen Box

**List J: Documents Submitted at May 6, 1998 Public Hearing:**

1. Notice of Public Hearing mailed April 20, 1998
2. Revised site plan with setbacks
3. May 6, 1998 letter from Paul J. Box and Kathleen Box
4. Site Plan from PRE 12-89
5. Decision approving PRE 12-89

**Notice to Mortgagee, Lien Holder, Vendor or Seller:**

**ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.**

MEETING DATE: JUN 18 1998  
AGENDA  
NO: R-2  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: RESULTS Briefing

Board Briefing:

DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: Yes

DATE REQUESTED: 6/18/98

AMOUNT OF TIME  
NEEDED: 10 min

DEPARTMENT: Community Justice  
CONTACT: Carl Jaber

DIVISION: Juvenile & Adult  
TELEPHONE #: 248-3178  
BLDG/ROOM#: B221/MTNO

PERSON(S) MAKING PRESENTATION: Jimmy Brown (Juvenile) & Carl Jaber (Adult)

### ACTION REQUESTED

[X] INFORMATIONAL ONLY [ ] POLICY DIRECTION [ ] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE

RESULTS Briefing for Juvenile and Adult Community Justice Services: Support Staff  
Process Improvement Team

### SIGNATURES REQUIRED

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT  
MANAGER: 

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions? Please call the Board Clerk @ 248-3277

CLERK OF SUPERIOR COURT  
JUN 15 AM 10:00  
MULTNOMAH COUNTY  
OREGON

MEETING DATE: JUN 18 1998  
AGENDA  
NO: R-2  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: RESULTS Briefing

Board Briefing:

DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: Yes

DATE REQUESTED: 6/18/98  
AMOUNT OF TIME  
NEEDED: 10 min

DEPARTMENT: Community Justice  
CONTACT: Carl Jaber

DIVISION: Juvenile & Adult  
TELEPHONE #: 248-3178  
BLDG/ROOM#: B221/MTNO

PERSON(S) MAKING PRESENTATION: Jimmy Brown (Juvenile) & Carl Jaber (Adult)

#### ACTION REQUESTED

[X] INFORMATIONAL ONLY [ ] POLICY DIRECTION [ ] APPROVAL [ ] OTHER

#### SUGGESTED AGENDA TITLE

RESULTS Briefing for Juvenile and Adult Community Justice Services: Support Staff  
Process Improvement Team

#### SIGNATURES REQUIRED

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT  
MANAGER: 

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURE

Any questions? Please call the Board Clerk @ 248-3277

98 JUN 12 PM 2:11  
MULTNOMAH COUNTY  
CLERK  
CLERK'S OFFICE



MEETING DATE: June 18, 1998

AGENDA #: R-3

ESTIMATED START TIME: 9:40 AM

(Above Space for Board Clerk's use only)

### AGENDA PLACEMENT FORM

SUBJECT: Proclamation Supporting Gay and Lesbian Pride Parade and Festival

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: Thursday, June 18, 1998  
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Melinda Petersen TELEPHONE #: 248-3971  
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Joe Wahl, Chair, Cultural Diversity Committee

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Proclaiming Support for Portland's 23rd Annual  
"Lesbian, Gay, Bi, and Trans Pride" Parade and Celebration  
*6/18/98 original to Melinda Petersen*

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

(OR)  
DEPARTMENT  
MANAGER: \_\_\_\_\_

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277

65412 OF  
COUNTY COMMISSIONERS  
98 JUN 12 PM 12:55  
MULTNOMAH COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 98-79

Proclaiming Support for Portland's 23rd Annual "Lesbian, Gay, Bi, and Trans Pride"  
Parade and Celebration

The Multnomah County Board of Commissioners finds:

- a. Sunday, June 21, 1998 marks the date of Portland's 23rd Annual "Lesbian, Gay, Bi, and Trans Pride" Parade and Celebration
- b. The theme of this year's event is "Family Matters," signifying the need to recognize and honor the diversity and cultural richness of all families in our community
- c. The organizers and participants of the parade and festival ask all Oregonians to stand with them for pride, justice and equality for all persons, and against hatred and bigotry
- d. The Board of County Commissioners is personally committed to ensure that all persons in this community are accorded their dignity, human rights and safety
- e. The Board of County Commissioners recognizes domestic partnerships as families, and prohibits discrimination based on sexual orientation in its employer policies and practices
- f. The Board of County Commissioners supports the efforts of the County's Gay/Lesbian Employees Everywhere (GLEE) to recognize and value diversity within our community and support all people who struggle for equality and justice

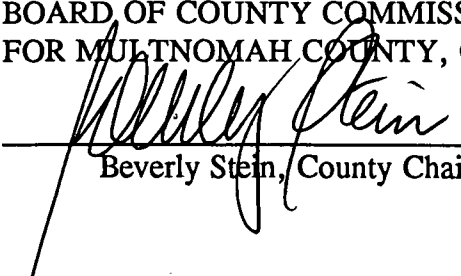
The Multnomah County Board of Commissioners proclaims:

1. The Board of County Commissioners supports the 1998 Pride Celebration and invites all Multnomah County employees and citizens to join them at the parade on Sunday, June 21, 1998 in support of GLEE and Oregon's diverse community.

DATED this 18th day of June, 1998.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, County Chair

JUN 18 1998  
MEETING DATE: JUN 11 1998  
AGENDA NO: R-4  
ESTIMATED START TIME: 9:50 am  
9:50 am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Ordinance amending land use code provisions.

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: June 11, 1998

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: ND

DIVISION: County Counsel

CONTACT: Sandra N. Duffy  
Jeffrey B. Litwak

TELEPHONE #: 22163/22143

BLDG/ROOM #: 106/1530

PERSON(S) MAKING PRESENTATION: Sandra N. Duffy, Jeffrey B. Litwak

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [x] APPROVAL [ ] OTHER

SUGGESTED AGENDA TITLE:

Ordinance amending land use provisions for Multnomah County Code.

6/24/98 copies to SANDRA DUFFY, JEFFREY LITWAK  
& LISA ESTEY  
6/26/98 copies to ORDINANCE DISTRIBUTION  
LIST

SIGNATURES REQUIRED:

ELECTED OFFICIAL:  
(OR)  
DEPARTMENT  
MANAGER:

*James Spaulin*

BOARD OF  
COUNTY COMMISSIONERS  
JUN - 4 AM 9:00  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



OFFICE OF  
MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER  
*County Counsel*

1120 S.W. FIFTH AVENUE, SUITE 1530  
PORTLAND, OREGON 97204-1977

FAX 248-3377  
(503) 248-3138

SANDRA N. DUFFY  
*Chief Assistant*

SUSAN DUNAWAY  
KATIE GAETJENS  
GERALD H. ITKIN  
JEFFREY B. LITWAK  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
AGNES SOWLE  
JOHN S. THOMAS  
JACQUELINE A. WEBER  
*Assistants*

## **SUPPLEMENTAL STAFF REPORT**

TO: Board of County Commissioners

FROM: Office of County Counsel *JM*

DATE: June 11, 1998

RE: Ordinance Amending Zoning Code Enforcement Ordinance

---

1. Recommendation/Action Requested:

Adopt the amended zoning code enforcement ordinance

2. Background/Analysis:

On April 23, 1998, the Board of County Commissioners adopted a new zoning code enforcement ordinance. That ordinance became effective on May 23, 1998.

The Office of County Counsel and Land Use Division discussed the implementation of the new enforcement code. During these discussion, a number of minor clean-up items were discovered. The changes are necessary to ensure that the text of the code is sufficient to achieve the intent. The substance of how the ordinance will work will not change.

3. Financial Impact:

There is no financial impact due to these changes.

4. Legal Issues:

The Office of County Counsel believes these changes are necessary to ensure that the text of code states how the Land Use Division intends to implement the code.

5. Controversial Issues:

The Office of County Counsel does not believe there are any controversial issues relating to these changes.

6. Link to Current County Policies:

None

7. Citizen Participation:

There was no citizen participation in drafting these housekeeping changes.

8. Other Government Participation:

There was no other government participation in drafting these housekeeping changes.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. 908

An Ordinance amending the Violation and Enforcement regulations contained in MCC 11.15.9052 which was previously amended on April 23, 1998 by Ordinance 905.

Underlined sections are new replacements; ~~[bracketed]~~ sections are deleted.

Multnomah County ordains as follows:

Section I. Findings.

(A) The current text of 11.15.9052 should be clarified to ensure efficient implementation of its provisions.

(B) The proposed clarifications do not change current zoning code enforcement procedures.

Section II. Amendment of the Violations and Enforcement Ordinance Section MCC 11.15.9052.

MCC 11.15.9052 Violations and Enforcement.

Any use of land in violation of any provision of MCC 11.15, MCC 11.45, MCC 9.10 and MCC 9.40 or the terms and conditions of any ~~[development]~~ permit issued under those code provisions by a person shall be ~~[punishable]~~ subject to penalties as provided by MCC 11.15.9053 ~~[-9052(D)(E) & (F)]~~.

A. Definitions.

1. "County Ordinance" means all ordinances duly enacted by Multnomah County, including but not limited to zoning, planning, and building ordinances, as specified above.

1 2. "Notice of Violation": A written notice [mailed] given to [operator or property  
2 owner] a person or persons whose action, conduct or omission constitutes  
3 [when] a [Code Enforcement Planner identifies] violation[s] of any provision of the  
4 Multnomah County Code or the terms and conditions of a development permit. A  
5 stop work order constitutes a Notice of Violation, notwithstanding any subsequent  
6 notice or letter given to a person or persons. A Notice of Violation does not  
7 constitute a "land use decision" under ORS Ch. 197.

8 3. "Violator" means any person who has admitted violation of a County Ordinance  
9 or a person who has been found to have violated a County Ordinance.

10 4. "Person" includes:

- 11 [b)] (a) The owner, title holder, contract seller, [or] contract buyer,  
12 possessor or user of the land upon which the violation is occurring; ~~is~~  
13 ~~equally responsible for the violation of County Ordinance, as is the~~  
14 ~~possessor of the land, user of the land,] or, the person [who is] taking the~~  
15 ~~action, or responsible for the~~ conduct or omission which constitutes a  
16 violation of any County Ordinance; ~~and~~
- 17 [a)] (b) The United States or agencies thereof, any state, public or private  
18 corporation, local governmental unit, public agency, individual,  
19 partnership, association, firm, trust, estate or any other legal entity,  
20 contractor, subcontractor or combination thereof. For the purposes of this  
21 ordinance, "person" also includes those residing in or conducting  
22 business or activities in the unincorporated areas of Multnomah County, ~~;~~  
23 ~~and]~~

1 5. "Decision of Appeal": The decision of the Planning Director in the appeal of the  
2 Notice of Violation. A Decision of Appeal does not constitute a land use decision  
3 under ORS Ch. 197.

4 6. "Grace Period": Time allotted to a ~~[property owner]~~ person by the Code  
5 Enforcement Planner to correct a ~~[zoning]~~ violation without assessment of  
6 additional penalties, ~~[additional code enforcement inspections]~~ or legal action  
7 being taken for the cited violation during that assigned time period. A grace  
8 period begins from the date the written Notice of Violation is mailed or given ~~[sent~~  
9 ~~or posted]~~. Unless otherwise specified by the Code Enforcement Planner, the  
10 grace period for a Notice of Violation shall be 30 days and the grace period for a  
11 stop work order shall be 15 days. If notice is mailed, the grace period shall be  
12 extended by an additional three days. A grace period for a noticed violation does  
13 not grant a property owner the right to continue a use for the time period  
14 specified or prevent inspection or citation of new or other land use violations.

15 B. Compliance Required.

16 No application for use or development ~~[a land use permit or division]~~ of land shall be  
17 approved for a site[, ] which is subject to an enforcement action pursuant to the provisions of this  
18 section. A ~~[land use] permit [or division of land]~~ for the use or development of land may only be  
19 issued if it is necessary to correct[s] the land use violation contained in the Notice of Violation.

20 C. Code Enforcement Planner.

21 The Planning Director shall appoint one or more persons to act as the code enforcement  
22 planner(s) for purposes of issuing Notices of Violation~~(s)~~, and for the enforcement of MCC  
23 11.15, MCC 11.45, MCC 9.10 and MCC 9.40 or the terms and conditions of any ~~[development]~~  
24 permit ~~[by an operator or property owner]~~ issued under those code provisions.

25 D. Enforcement Action.

26 Page 3 of 10



- (1) An enforcement action may be initiated by the ~~[Land Use Planning]~~ Code Enforcement Planner(s) ~~[staff]~~ on ~~[its]~~ their own action, when the Division of Transportation and Land Use Planning ~~[Division]~~ receives a complaint, known or anonymous or receives a directive from the Board of County Commissioners. All complaints are ~~[to be kept]~~ confidential, until such time as the violation is closed.
- (2) If the Code Enforcement Planner determines the existence of a violation, the Code Enforcement Planner shall ~~[send a]~~ provide a written Notice of Violation to the ~~[property owner and if known, the operator/tenant]~~ person(s) suspected of committing a violation and the property owner if different. The notice shall:
- (a) ~~[The notice shall -]~~ Outline the nature of the violation(s), including cites to the applicable county code sections, and set forth options to correct the violation(s) ~~[-]~~ ;
  - (b) ~~[The notice shall -]~~ Notify the property owner and the operator/tenant that failure to comply with the Ordinance within [thirty days] the grace period [of the date of the Notice of Violation] will result in enforcement under MCC 11.15.9052(D)(3) and that a penalty of up to \$500.00 per day may be assessed per MCC 11.15.9053;[-] and
  - (c) ~~[A statement shall also -]~~ Notify the property owner and the operator/tenant of the right to appeal the determination of a land use violation and the time limits established by this section.
  - ~~[(d) If notice is mailed, the compliance time shall be extended by an additional three days.]~~
- (3) If the ~~[property owner and operator/tenant]~~ person(s) notified fails to correct the violation within the ~~[time given]~~ grace period, the Code Enforcement Planner may ~~[issue]~~ impose a penalty in accordance with MCC 11.15.9053. ~~[Said]~~ The

1 penalty shall be recorded as a lien against real property in the Office of the  
2 County Recorder if not paid within sixty days of notification of the property owner  
3 and operator/tenant of the issuance of the penalty.

- 4 (4) ~~[The property owner or his representative]~~ A person who receives a notice of  
5 violation may file a ~~[n]~~ written appeal of the Notice of Violation with the Land Use  
6 Planning section to the Planning Director within the ~~[initial 30 day]~~ grace period  
7 as stipulated in the Notice of Violation. The following procedures apply to the  
8 appeal to the Planning Director:

9 (a) The appellant has 45 days from the date of filing the written appeal to  
10 provide written documentation to the ~~[Code Enforcement Planner]~~  
11 Planning Director in support of the appeal; ~~[.]~~

12 (b) All enforcement actions, except for emergency actions taken under  
13 .9052(E), ~~[will]~~ shall be stayed until the Planning Director ~~[-reviews the~~  
14 ~~written testimony and determines by a preponderance of the evidence~~  
15 ~~that a violation has occurred.]~~ decides the appeal. In the event that the  
16 Planning Director finds in the favor of the appellant, the Notice of Violation  
17 will be rescinded.

18 ~~[(a)]~~ (c) Upon filing of an appeal by the property owner, written notice and  
19 opportunity to comment on the appeal of the Notice of Violation shall be  
20 provided to the complainant, if known, and the surrounding property  
21 owners within:

- 22 (1) 100 feet of the subject property when inside the Urban Growth  
23 Boundary; or  
24

1 (2) 250 feet of the subject property where the subject property is  
2 outside the Urban Growth Boundary and not within a farm or  
3 forest resource zone; or

4 (3) 500 feet of the subject property where the subject property is  
5 within a farm or forest resource zone.

6 ~~[(b)]~~ (d) The Planning Director ~~[may]~~ shall consider any other written  
7 testimony submitted in support of and in opposition to the Notice of  
8 Violation;

9 (e) The Planning Director shall review all the written evidence and determine  
10 by a preponderance of the evidence whether a violation has occurred;

11 ~~[(e)]~~ (f) After review of the written testimony, the Planning director shall  
12 serve the ~~[property owner]~~ appellant and anyone who submitted evidence  
13 with a Decision of Appeal; [and]

14 ~~[(d)]~~ (g) If the Notice of Violation is upheld, penalties as provided in .9053  
15 shall be assessed by the Planning Director;

16 ~~[(e)]~~ (h) The Planning Director may delay additional penalties at the time of  
17 the Decision of Appeal by specifying an additional grace period to allow  
18 the property owner to remove the violation from the property. If an  
19 additional grace period is granted, it shall not be less than five days; and

20 ~~[(f)]~~ (i) ~~[Said]~~ The penalty shall be recorded as a lien against real property in the  
21 Office of the County Recorder if not paid within sixty days of ~~[notification~~  
22 ~~of the property owner and operator/tenant]~~ notifying the property owner  
23 and violator of the issuance of the penalty.

1 (5) If the property owner chooses to correct the violation by applying for a ~~[land-use]~~  
2 required permit, penalties shall accrue during the application process time period  
3 as provided in MCC .9053.

4 (a) Penalties assessed from the date of ~~[formal]~~ application, not including any  
5 Pre-Initiation Conference, for a ~~[land-use]~~ required permit to completion  
6 of the project, ~~[through]~~ including final inspection, may be waived by the  
7 Planning Director provided the property owner completes the application  
8 process within 180 days of filing and complies with ~~[the]~~ all timelines  
9 established as [a] conditions of approval of the project and if no additional  
10 violations occur during the completion of the conditions of approval.

11 (b) ~~[A]~~ ~~[t]~~ Timelines for compliance with the land use permit shall be included  
12 as a condition of approval of the land use permit and, if possible, shall not  
13 extend past a single construction season.

14 (E) Emergency Enforcement

15 (1) If the Code Enforcement Planner determines, as a result of a site visit by the  
16 Code Enforcement Planner or Code Enforcement Inspector, that the violation is  
17 such that irreparable harm will result, will be difficult to correct if allowed to  
18 continue, or presents an immediate health and safety danger, the Code  
19 Enforcement Planner may, without notice, issue a Stop Work Order which shall  
20 also serve as the Notice of Violation.

21 (2) The Stop Work Order shall require the property owner to immediately discontinue  
22 the use and shall impose a fine as provided in MCC .9053 pursuant to which the  
23 property owner must cease all uses listed in the Stop Work Order. Penalties may  
24 be imposed pursuant to MCC .9053 for each 24-hour period in which work  
25 continues in violation of the Stop Work Order. ~~[Said]~~ The penalty shall be

1 recorded as a lien against real property in the Office of the County Recorder if  
2 not paid within sixty days of ~~[notification of the property owner and~~  
3 ~~operator/tenant]~~ notifying the property owner and violator of the issuance of the  
4 penalty.

- 5 (3) The property owner shall ~~[make land use]~~ submit an application or correct the  
6 violation within ~~[15 days]~~ the grace period ~~[of the Stop Work Order being issued].~~  
7 If the property owner fails to ~~[make land use]~~ submit an application or correct the  
8 violation within the ~~[15-day time]~~ grace period, the Code Enforcement Planner  
9 may ~~[issue]~~ impose a penalty in accordance with MCC 11.15.9053. ~~[Said]~~ The  
10 penalty shall be recorded as a lien against real property in the Office of the  
11 County Recorder if not paid within sixty days of ~~[notification of the property owner~~  
12 ~~and operator/tenant]~~ notifying the property owner and violator of the issuance of  
13 the penalty.

- 14 (4) If the property owner files an appeal under .9052(D)(4), the property owner shall  
15 not resume the ~~[discontinued]~~ use(s) subject to the stop work order until such  
16 time as a Decision of Appeal has been issued and the Planning Director removes  
17 the Stop Work Order from the property.

- 18 (5) The Planning Director or Code Enforcement Planner may require the placement  
19 of erosion and sediment control devices and/or other health and safety  
20 corrections to occur at his discretion.

21 (F) Notice of Violation; Occurrence; Other Remedies.

- 22 (1) Except as otherwise specifically provided in this ordinance, a Notice of violation  
23 shall be used for violation of MCC 11.15, 11.45, 9.10 and 9.40.  
24 (2) Each day (24-hour period) a violation exists shall be a separate citable offense.  
25

1 (3) The remedies and procedures provided in this ordinance shall be in addition to  
2 any other remedy or procedure provided by any applicable law. ~~[(a)]~~ In  
3 addition to any other remedy provided by law to the County, the County shall be  
4 entitled to its reasonable administrative costs and attorney fees ~~[and costs]~~.

5 (G) Judicial Review.

6 Review of the Decision of Appeal of the Planning Director under this section by any  
7 aggrieved party, including the County of Multnomah, shall be by writ of review as provided in  
8 ORS 34.010-34.100.

9 (H) Comprehensive Framework Plan and Zoning or Land Division Ordinance Interpretations.

10 If the Notice of Violation involves a Comprehensive Framework Plan, Zoning or Land  
11 Division Ordinance interpretation by the Planning Staff, not previously decided by the Planning  
12 Commission or the Board of County Commissioners, in order to appeal Planning staff's  
13 interpretation, the property owner must include the request for interpretation by the Planning  
14 Commission in the appeal of the Notice of Violation. The property owner shall deposit with the  
15 Land Use Planning section at the time of appeal, the fee established under MCC 11.15.9010 for  
16 a Planning Commission Interpretation. The Planning Director shall initiate an action for an  
17 interpretation per MCC 11.15.9045 prior to the Decision of the Appeal. An interpretation by the  
18 Planning Commission shall be rendered within 45 days of initial Planning Commission meeting  
19 in which the item was presented. The Planning Director shall utilize the Planning Commission's  
20 Interpretation in making the determination of the Decision of Appeal.

1 (I) Reporting to the Planning Commission.

2 The Land Use Planning section shall report to the Planning Commission on code  
3 enforcement activities every six months.

4 ADOPTED this 18th day of June, 1998, being the date of its second  
5 reading before the Board of County Commissioners of Multnomah County.

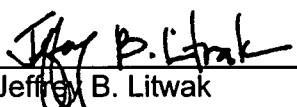


6 BOARD OF COUNTY COMMISSIONERS  
7 MULTNOMAH COUNTY, OREGON

8  
9   
10 \_\_\_\_\_  
11 Beverly Stein, Chair  
12  
13  
14

15 REVIEWED:

16 THOMAS SPONSLER, COUNTY COUNSEL  
17 FOR MULTNOMAH COUNTY, OREGON

18 By   
19 \_\_\_\_\_  
20 Jeffrey B. Litwak  
21 Assistant County Counsel  
22  
23  
24  
25

26 H:Adv/Ord/146 MCC 11.15 Land Use Violation

## BUDGET MODIFICATION NO.

DSS 12(For Clerk's Use) Meeting Date JUN 18 1998Agenda No. R-5

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

6/18/98

(Date)

DEPARTMENT

Support ServicesDIVISION Budget

CONTACT

Dave Warren

TELEPHONE

83822

\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Dave WarrenSUGGESTEDAGENDA TITLE

(to assist in preparing a description for the printed agenda)

Budget Modification transferring \$4,020,769 of 1996-97 ending balance to the Behavioral Health Managed Care Fund, the Assessment and Taxation Fund, the Capital Improvement Fund, and the Federal/State Program Fund, and pay for equipment ordered in prior fiscal year

(Estimated Time Needed on the Agenda)

## 2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)



Personnel changes are shown in detail on the attached sheet

At the end of 1996-97 the County had \$8.2 million more General Fund balance than was anticipated in the 1997-98 Budget. Much of that revenue was the result of deliberate departmental underspending. Some of it, however, was left in the General Fund because certain cash transfers were inadvertently not made to cover commitments incurred in other funds in 1996-97. This budget modification authorizes those cash transfers in 1997-98 so that the other funds can be appropriately balanced in the current fiscal year.

It also authorizes a cash transfer to substitute for budgeted revenue from OHSIC that will not be received.

## 3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

The transfers will allocate General Fund resources to other funds. These allocations were assumed when the beginning balance for 1998-99 was computed.

## 4. CONTINGENCY STATUS

(to be completed by Budget &amp; Quality)

9,746,968

Fund Contingency before this modification

Date

After this modification

\$ 5,726,199

Originated By

Date

David C. Warren6/10/98

Department Director

Date

Bill Fawcett6-10-98

Plan/Budget Analyst

Date

Karyne Dargatzis6/10/98

Employee Services

Date

Deborah C. Bozinger6/18/98

BudMod1.xls

JUN 10 PM 12:04  
 CLERK OF COUNTY COMMISSIONERS  
 MULTNOMAH COUNTY  
 OREGON



## DSS bud mod transferring BWC to various funds.XLS

EXPENDITURE											
TRANSACTION EB GM [ ]			TRANSACTION DATE			ACCOUNTING PERIOD			BUDGET FY		
Document				Organi-	Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Category	Object	Amount	Amount	Increase	(Decrease)	Subtotal
	c	100	010	9130		7640		438,189	438,189		
		100	015	9130		7608		92,000	92,000		
		100	015	9130		7608		2,195,726	2,195,726		
		100	030	9130		7609		800,000	800,000		
		100	030	9130		7635		473,000	473,000		
		100	015	0310		8400		24,900	24,900		
		100	075	9120		7700		(4,020,769)	(4,020,769)		
		156	015	0610		8400		92,000	92,000		
		240	030	5710		8200		800,000	800,000		
		395	010	1663		6060		435,143	435,143		
		395	010	1663		7100		3,046	3,046		
								0			
								0			
TOTAL EXPENDITURE CHANGE										1,333,235	

## DSS bud mod transferring BWC to various funds.XLS

REVENUE												
TRANSACTION RB GM [ ]				TRANSACTION DATE				ACCOUNTING PERIOD				BUDGET FY
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Revenue	Amount	Amount	Increase (Decrease)	Subtotal	Description
		100	075	7410			6644		3,046	3,046		
		156	015	0610			7601		92,000	92,000		
		156	015	0703			7601		301,674	301,674		
		156	015	0703			2088		(301,674)	(301,674)		
		156	015	0704			2088		(455,546)	(455,546)		
		156	015	0704			7601		455,546	455,546		
		156	015	0707			2088		(104,833)	(104,833)		
		156	015	0707			7601		104,833	104,833		
		156	015	0708			2088		(163,751)	(163,751)		
		156	015	0708			7601		163,751	163,751		
		156	015	0725			2088		(426,147)	(426,147)		
		156	015	0725			7601		426,147	426,147		
		156	015	0735			2088		(334,205)	(334,205)		
		156	015	0735			7601		334,205	334,205		
		156	015	0820			2088		(325,595)	(325,595)		
		156	015	0820			7601		325,595	325,595		
		156	015	0835			2088		(83,975)	(83,975)		
		156	015	0835			7601		83,975	83,975		
		175	030	7566			0500		(473,000)	(473,000)		
		175	030	7566			7601		473,000	473,000		
		240	030	5710			7601		800,000	800,000		
		395	010	9130			7601		438,189	438,189		
									0			
TOTAL REVENUE CHANGE									1,333,235	1,333,235	0	



# MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN  
DIANE LINN  
GARY HANSEN  
LISA NAITO  
SHARRON KELLEY

BUDGET AND QUALITY  
PORTLAND BUILDING  
1120 S.W. FIFTH - ROOM 1400  
P. O. BOX 14700  
PORTLAND, OR 97214  
PHONE (503) 248-3883

TO: Board of County Commissioners

FROM: Dave Warren *DCW*

TODAY'S DATE: June 10, 1998

REQUESTED PLACEMENT DATE:

SUBJECT Year End Transfers to Balance Funds

---

## I. Recommendation / Action Requested:

Approve Budget Modification DSS 12 transferring \$4,020,769 from General Fund Contingency to balance the Federal/State Program Fund, the Assessment and Taxation Fund, the CIP Fund, and the Behavioral Health Managed Care Fund, completing accounting transactions for purposes previously authorized by the Board and paying for capital equipment ordered in 1996-97 but not received until 1997-98.

## II. Background / Analysis:

At the close of Fiscal Year 1996-97 the General Fund had an ending fund balance of \$23.3 million. This was approximately \$8.2 million more than the 1997-98 Adopted Budget assumed.

Some of this additional revenue was the result of real savings by departments in 1996-97. Some of it, however, resulted from accounting transactions that should have been made in 1996-97 but were not. Further, the 1997-98 Budget assumed certain outside revenues would be received from OHSIC and the State of Oregon that were never actually received.

Budget Modification DSS 12 authorizes three General Fund transfers. These transfers will correct omissions from 1996-97, and they will keep the 1997-98 Federal/State Fund, A&T Fund, and CIP Funds in balance.

I should have processed this Bud Mod, incidentally, in January, February, or March, once we had a correct 1997-98 beginning balance and knew the property taxes for the year. However, during that period it was difficult to find a Board meeting with a quorum to take action. Hence the delay until the last month of the fiscal year.

Here are the changes the Bud Mod authorizes:

1. General Fund

Health Inspections ordered equipment budgeted in 1996-97 but the equipment was not received until this fiscal year. The General Fund ending balance was higher as a result. The additional \$24,900 appropriation covers the cost of the equipment in 1997-98.

2. Federal/State Fund

Similarly, Dental Health ordered equipment last fiscal year that was not received until this year. The cost of this equipment is \$92,000.

The Adopted 1997-98 Budget assumed that OHSIC would provide \$2,195,726 in support of the Primary Health Clinic system run by the Health Department. This revenue will not be received. The Budget Modification replaces that estimated revenue with General Fund support.

3. Assessment and Taxation Fund

Assessment and Taxation intended to replace its mainframe computer system in 1996-97. Passage of Measure 47 made that impossible. The General Fund transfer to the A&T fund in 1996-97 was enough to cover the actual expenditures in the fund. However, the budgeted transfer was intended to cover start up costs of a new A&T system. That amount, \$473,000, should be transferred in 1997-98 so that the fund has the appropriate resources to begin replacing the old system. No additional expenditure is authorized, the A&T Fund estimated beginning balance is reduced.

4. Capital Improvement Fund (CIP Fund)

In 1995-96, the County provided \$10 million of General Fund support to the school districts of Multnomah County. In order to come up with that sum, the 1995-96 transfer from the General Fund to the Capital Improvement Fund was reduced by \$800,000 and projects were funded by transferring the Facilities Management Fund balance to the CIP Fund. In 1996-97 the Facilities Management Fund was unable to make the budgeted transfer to the CIP Fund because service reimbursement revenue into the Facilities Fund fell short of the cost of maintaining buildings. So that the 1997-98 CIP Fund has sufficient resources to cover expenditures, the General Fund should repay the \$800,000 borrowed two years ago. This modification authorizes that repayment.

Behavioral Health Managed Care Fund

In June 1997 the Board approved a budget modification transferring SOAP and RAPP appropriations from the Department of Community Justice to Community and Family Services. A budgeted General Fund transfer covered the costs of those programs. The expenditures and appropriations for the programs, however, were moved into the Managed Care Fund. The General Fund transfer, appropriately budgeted, was not made because the revenues of the Managed Care Fund exceeded the expenditures in the fund. From an accounting standpoint, no General Fund transfer was required.

Placing SOAP and RAPP in the same budgets as the other children's behavioral health programs made operational sense. However, these programs are *not* eligible for funding under the capitation rules that govern the other expenditures in the fund. General Fund resources should have been transferred to cover these particular costs, even though the overall balance in the fund was positive. The amount that should be transferred in 1997-98 to cover the 1996-97 costs is \$438,189.

### III. Financial Impact:

The 1997-98 Budget included an inflated Contingency Account. We were not sure what we would actually receive in the way of property tax revenue at the time the 1997-98 Budget was adopted. We also did not want to artificially restrict the use of property taxes if they were collected at levels above what we believed was the most likely estimate. Therefore, we included \$8.75 million of property tax estimated revenue beyond what we believed likely and we increased the General Fund Contingency account by that amount.

Actual 1997-98 property tax revenue is very close to our best estimate. The potential additional property tax revenue was not received. However, the 1997-98 General Fund beginning fund balance was \$8.2 million more than estimated. Consequently, there is revenue available in 1997-98 to cover the contingency transfer requested on DSS 12.

All of the requested transfers in the Bud Mod were assumed to be spent when we built the Executive Budget for 1998-99. The 1998-99 Budget estimated General Fund beginning fund balance does not include any of the resources authorized to be transferred by DSS 12.

### IV. Legal Issues:

None

### V. Controversial Issues:

None. These changes are technical in nature despite their magnitude.

### VI. Link to Current County Policies:

None

### VII. Citizen Participation:

N/A

### VIII. Other Government Participation:

N/A

MEETING DATE: JUN 18 1998  
AGENDA NO.: R-6  
ESTIMATED START TIME: 10:00am

(Above space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: NOI-Use of multiple methods to validate an evaluation of family planning services in School-Based Health Centers

BOARD BRIEFING Date Requested: \_\_\_\_\_  
Requested By: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING Date Requested: 6-18-98  
Amount of Time Needed: 5 minutes

DEPARTMENT: Health DIVISION: Planning and Development

CONTACT: Denise Chuckovich TELEPHONE #: x24367  
BLDG/ROOM #: 160/8

PERSON(S) MAKING PRESENTATION: Tom Fronk

**ACTION REQUESTED:**

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

**SUGGESTED AGENDA TITLE:**

Notice of intent to respond to Department of Health and Human Services RFP for a study of multiple methods to validate an evaluation of family planning services in School-Based Health Centers.

CLERK OF  
COUNTY COMMISSIONERS  
MULTI-NOMINATING COUNTY  
OREGON  
98 JUN 10 AM 11:32

**SIGNATURES REQUIRED:**

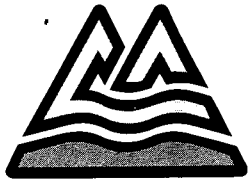
ELECTED OFFICIAL: Billi

Or

DEPARTMENT MANAGER: Billi Odgaard

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



# MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT  
426 S.W. STARK STREET, 2ND FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3283  
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

**TO:** Beverly Stein, Chair

**FROM:** Denise Chuckovich, Manager Planning and Development

**THROUGH:** Beth Odgaard, Director

**SUBJECT:** Notice of Intent to respond to a request for proposals from the Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation for a study using multiple methods to validate an evaluation of family planning services in School-Based Health Centers

**DATE:** June 4, 1998

**REQUESTED PLACEMENT DATE:** June 18, 1998

### **I. Recommendation / Action Requested**

The Multnomah County Health Department is requesting approval to respond to a request for proposals from the Department of Health and Human Services (DHHS), Office of the Assistant Secretary for Planning and Evaluation to provide funds to enhance existing evaluations of teen pregnancy prevention programs. The application is due July 6, 1998.

### **II. Background / Analysis**

Since March 1998, the Office of Planning and Development of the Multnomah County Health Department has been studying the effects of family planning services in School-Based Health Centers on females' selection and consistent use of contraceptives. This study is nearing completion. The request for proposals from the DHHS would allow us to collect additional information from family planning clients and from medical charts to validate our current evaluation findings.

### **III. Financial Impact**

The Health Department anticipates requesting approximately \$100,000 for a 12-month study. The project would begin October 1, 1998.

**IV. Legal Issues**

None

**V. Controversial Issues**

Internal Review Board approval will be sought. Parental consent will be obtained for all study participants.

**VI. Link to Current County Policies**

Consistent with current policies

**VII. Citizen Participation**

Not Applicable

**VIII. Other Government Participation**

An expert in program evaluation from Portland State University, Beth Green, has agreed to serve as a consultant to project staff.



**SPEAKER SIGN UP CARDS**

DATE 6-18-98

NAME

Robert Geddes

ADDRESS

2216 SW 21st  
St

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Iden R J - library

GIVE TO BOARD CLERK Foundation

BUDGET MODIFICATION NO.: DLS 10

(For Clerk's Use) Meeting Date: JUN 18 1998

Agenda No.: R-7

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

DATE: 6/18/98

DEPARTMENT: Library

DIVISION: Various

CONTACT: Ginnie Cooper

TELEPHONE: 248-5403

\*Name(s) of person making presentation to board

SUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification DLS #10 appropriating a total of \$224,391 in grants from the Library Foundation for Sunday Hours at Central Library; the Trios & Quartets program at Central Library; one School Corps position; two public trainer positions; and refreshments for the "Thank You Sunday" in November.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish?

Where does the money come from? What budget is reduced? Attach additional information if you need more space.

☒ X

Personnel changes are shown in detail on the attached sheet

These grants from the Library Foundation funded: 1. Open hours on Sunday afternoons at Central from January through June (\$106,000); 2. The Trios & Quartets program, originally funded as part of the reopening of Central Library, has continued this year (\$34,987); 3. A \$50,000 gift from Wells Fargo funded a School Corps position and related printing for Homework Help; 4. Money from the Meyer grant funded two public trainer positions (\$30,404); and 5. A \$3,000 grant provided refreshments for the "Thank You Sunday" in November.

3. REVENUE IMPACT Explain revenues being changed and reason for the change

Library Fund grant revenue is increased by \$224,391.

General Fund is increased by \$14,227.

4. CONTINGENCY STATUS to be completed by Budget & Planning

NA Fund Contingency before this modification:

As of \_\_\_\_\_ (date): \$ -

After this modification: \$ -

98 JUN 10 PM 12:04  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

Originated By <u>Becky Cobb</u>	Date <u>6-10-98</u>	Department Director <u>Ginnie Cooper</u>	Date <u>6/10/98</u>
Plan/Budget Analyst <u>David C. Sharron</u>	Date <u>6/10/98</u>	Employee Services <u>Shirlee Robertson</u>	Date <u>6/10/98</u>
Board Approval <u>Robert C. Bozinger</u>	Date <u>6/18/98</u>		

**PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.:**

***DLS 10***

**5. ANNUALIZED PERSONNEL CHANGES**

*Compute on a full-year basis even though this action affects only a part of the fiscal year (FY)*

Increase / (Decrease) FTE	Position Title	ANNUALIZED			
		Increase / (Decrease)			
		Base Pay	Fringe	Ins.	Total
1.00	Librarian 2	35,472	4,637	6,260	46,369
1.00	Librarian 2	42,047	8,939	8,989	59,975
1.00	Librarian 2	39,127	3,927	2,847	45,900
<b>3 TOTAL CHANGE (ANNUALIZED):</b>		<b>\$ 116,646</b>	<b>\$ 17,503</b>	<b>\$ 18,095</b>	<b>\$ 152,244</b>

**6. CURRENT YEAR PERSONNEL DOLLAR CHANGES**

*Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this BudMod.*

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	CURRENT FISCAL YEAR			
		Increase / (Decrease)			
		Base Pay	Fringe	Ins.	Total
0.67	Librarian 2	23,766	3,107	4,194	31,067
0.36	Librarian 2	15,137	3,218	3,236	21,591
0.15	Librarian 2	5,869	589	427	6,885
<b>TOTAL CURRENT FISCAL YEAR CHANGES:</b>		<b>\$ 44,772</b>	<b>\$ 6,914</b>	<b>\$ 7,857</b>	<b>\$ 59,543</b>

**EXPENDITURE**

TRANSACTION EB GM [ ]

TRANSACTION DATE: \_\_\_\_\_

ACCOUNTING PERIOD: \_\_\_\_\_

BUDGET FY: \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
<b>DLS 10</b>		162	080	8201			5200			75,000		Temporary
							7100			6,721		Indirect Costs
							7400			24,279	106,000	Building Management
		162	080	8170			6650			32,769		Special Programs
							7100			2,218	34,987	Indirect Costs
		162	080	8430			5100			38,903		Permanent
							5500			6,325		Fringe
							5550			7,430		Insurance Benefits
							6120			15,313		Printing
							6330			450		Local Travel & Mileage
							7100			4,632	73,053	Indirect Costs
		162	080	8501			6230			2,810		Supplies
							7100			190	3,000	Indirect Costs
		162	080	8460			5100			5,869		Permanent
							5500			589		Fringe
							5550			427		Insurance Benefits
							7100			466	7,351	Indirect Costs
		100	075	9120			7700			14,227	14,227	Indirect Svcs Reimbursement
		400	070	7520			6580			7,857	7,857	Insurance Expenditure
<b>TOTAL EXPENDITURE CHANGE:</b>										<b>\$ 246,475</b>	<b>\$ 246,475</b>	

**REVENUE**

TRANSACTION EB GM [ ]

TRANSACTION DATE: \_\_\_\_\_

ACCOUNTING PERIOD: \_\_\_\_\_

BUDGET FY: \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
<b>DLS 10</b>		162	080	8201			6860			106,000		Library Foundation Grant
				8170			6860			34,987		Library Foundation Grant
				8430			6860			73,053		Library Foundation Grant
				8501			6860			3,000		Library Foundation Grant
				8460			6860			7,351	224,391	Library Foundation Grant
		100	075	7410			6635			14,227	14,227	Services Reimbursement, Library Fund
		400	070	7520			6635			7,857	7,857	Services Reimbursement, Library Fund
<b>TOTAL REVENUE CHANGE:</b>										<b>\$ 246,475</b>	<b>\$ 246,475</b>	

## SUPPLEMENTAL STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Ginnie Cooper,  Director of Libraries

DATE: June 9, 1998

RE: Budget Modification DLS #10

---

1. Recommendation/Action Requested:

Request approval to appropriate a total of \$224,391 in grants from the Library Foundation.

2. Background/Analysis:

Through donations from individuals and corporations, the Library Foundation has been able to fund a variety of programs and services for the Library this year:

- Open hours on Sunday afternoons at Central from January through June (\$106,000);
- Continuation of the Trios & Quartets program at Central Library (originally started as part of the reopening celebration, \$34,987);
- School Corps position and printing for Homework Help (\$50,000 from Wells Fargo);
- Meyer Memorial Trust grant to help fund two public trainer positions (\$30,404);
- Refreshments provided for the "Thank You Sunday" in November (\$3,000).

3. Financial Impact:

Additional designated revenue of \$224,391.

4. Legal Issues:

None

5. Controversial Issues:

N/A

6. Link to Current County Policies:

N/A

7. Citizen Participation:

Citizens and local corporations have made donations to the Library Foundation, making these grants possible.

8. Other Government Participation:

N/A

#1

## SPEAKER SIGN UP CARDS

DATE 6/18/98

NAME Bud Spencer

ADDRESS P.O. Box 8871

PHD., OR 97207

PHONE 503-982-7529

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC 810.190 B1/search K-9

GIVE TO BOARD CLERK

please see back

R-8

#2

## SPEAKER SIGN UP CARDS

DATE 6-16-98

NAME

JEFF MILLER

ADDRESS

SE. PDX

PHONE

775-8697

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC EXOTIC ANIMAL ORDINANCE

GIVE TO BOARD CLERK

R-8



DONATED 3mins

**SPEAKER SIGN UP CARDS**

DATE \_\_\_\_\_

NAME Twyla Fowen

ADDRESS Donate my Time to Jeff  
Miller

PHONE \_\_\_\_\_

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-8

GIVE TO BOARD CLERK

#3

## SPEAKER SIGN UP CARDS

DATE 6/18/98

NAME Thomas Buhlrich

ADDRESS 806 5th St.

Oregon City Ore

PHONE 632-6669

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R8

GIVE TO BOARD CLERK

#4

## SPEAKER SIGN UP CARDS

DATE 6-18-98

NAME

Gary & Annacita Austin

ADDRESS

17328 E 42nd Ave

Portland Or. 97215

PHONE

235-1460

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Snakes R-8

GIVE TO BOARD CLERK

#5

## SPEAKER SIGN UP CARDS

DATE 6-18-98

NAME

GAYLE JOHNSON

ADDRESS

10215 J. E. Orient Dr

Dorning

PHONE

663-4133

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Animal Control R-8

GIVE TO BOARD CLERK

#6

## SPEAKER SIGN UP CARDS

DATE 06-18-98

NAME

Dwayne J. Kaptur

ADDRESS

5316 E. Burnside #8

Ptld.

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Animal ordinance.

GIVE TO BOARD CLERK

yield to Dwayne Kaptur

**SPEAKER SIGN UP CARDS**

DATE June 18<sup>th</sup> 1998

NAME

Ginger Berken

ADDRESS

8243 SE FRANKLIN ST.

Portland, Ore.

PHONE

503-774-7172

SPEAKING  
TOPIC

ON AGENDA ITEM NUMBER OR  
ANIMAL Control R-8

**GIVE TO BOARD CLERK**

DONATE TO Kapture - (Didn't need)

## SPEAKER SIGN UP CARDS

DATE 6/18/98

NAME Julie Smith

ADDRESS POB 25674  
Attn: 99298

PHONE 643-6950

SPEAKING TOPIC ON AGENDA? ITEM NUMBER OR TOPIC R-8

GIVE TO BOARD CLERK

#7

## SPEAKER SIGN UP CARDS

DATE 6/18/98

NAME TOM JAMES

ADDRESS 1111 SW 2<sup>ND</sup> AVE.

PHONE 823 0097

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC ANIMALS R-8

GIVE TO BOARD CLERK



JUN 17 1998  
MEETING DATE: MAY 21 1998  
AGENDA NO: R-5 R-9  
ESTIMATED START TIME: 10:00  
10:00

(Above Space for Board Clerk's Use ONLY)

JUN 18 1998

AGENDA PLACEMENT FORM

R-8  
10:10

SUBJECT: Animal Control Code 8.10

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: May 21, 1998

AMOUNT OF TIME NEEDED: 1 hour

DEPARTMENT: DES

DIVISION: Animal Control

CONTACT: Henry Miggins

TELEPHONE #: 248-3790 x234

BLDG/ROOM #: 324

PERSON(S) MAKING PRESENTATION: Henry Miggins

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Multnomah County Animal Control code 8.10

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT

MANAGER: \_\_\_\_\_

Leah E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
98 MAY 13 PM 1:28  
MULTNOMAH COUNTY  
OREGON



DEPARTMENT OF ENVIRONMENTAL SERVICES  
**ANIMAL CONTROL DIVISION**  
1700 W. Columbia River Highway  
Troutdale, OR 97060-1093  
(503) 248-3790 EXT 234 Fax: (503) 248-3002

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN -CHAIR OF THE BOARD  
VANCANT -DISTRICT 1 COMMISSIONER  
GARY HANSEN -DISTRICT 2 COMMISSIONER  
VACANT -DISTRICT 3 COMMISSIONER  
SHARRON KELLEY -DISTRICT 4 COMMISSIONER

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Henry C. Miggins, Director of Animal Control  
**DATE:** May 8, 1998  
**SUBJECT:** Multnomah County Animal Control Code 8.10

1. Recommendation/Action Requested:

Board to approve the ordinance.

2. Background/Analysis:

A single ordinance needs to be passed for all jurisdictions. The jurisdictions have been briefed and have not raised any objection. The BCC has been briefed on the ordinance revisions at an informal meeting and at a Board Staff meeting.

3. Financial Impact:

None.

4. Legal Issues:

The ordinance falls in compliance with ORS. It does not conflict with any jurisdiction or administrative procedures. Combines currently used County ordinances into one.

5. Controversial Issues:

The Exotic section of the ordinance.

6. Link to Current County Policies:

The proposed ordinance is consistent with current County policies.

7. Citizen Participation:

The Animal Control Advisory Committee has worked on this ordinance for the past year. A copy of the draft was sent Portland Veterinary Medical Association, Multnomah County Sheriff's Office, Chamber of Commerce for Portland and Gresham, all jurisdictions, and Animal Control staff. In addition, meetings have been held with each group. We do expect citizen testimony regarding the ordinance.

8. Other Government Participation:

A draft was sent to all jurisdictions and county departments affected. In addition, we met with each jurisdiction to go over in detail changes made in the ordinance.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

An ordinance amending the Multnomah County Animal Control Code Chapter 8.10 to provide for certain new definitions, and regulations relating to Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search Warrants and State Court Enforcement.

(Language ~~lined through~~ is to be deleted; underlined language is new)

Multnomah County ordains as follows:

Section I. AMENDMENT

MCC 8.10.010 is amended and added to as follows:

(A) *Animal* means any non-human vertebrate.

(B) *Animal at large* means any animal, excluding domestic cats ~~licensed and sterilized cats~~, that is not physically restrained on the owner's or keeper's premises, ~~(private property)~~ (including motorized vehicles) in a manner that physically prevents the animal from leaving ~~that property~~ the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person.

(C) *Aggressively bites* means any dog bite that breaks the skin and is accompanied by an attack where the dog exhibits ~~behavior including one or more of the following behavior(s)~~, but not limited to ~~any of the following~~:

Multnomah County Animal Control Code

snarling, baring teeth, chasing, growling, barking, snapping, pouncing,  
lunging, multiple lunges, or multiple bites.

(D) *Board* means the Multnomah County Board of County Commissioners.

(E) *Chronic safety nuisance* is demonstrated by the issuance of two (2) or more  
notice of infractions or citations for:

(1) Violation of MCC 8.10.270 relating to the same dog, or

(2) Any dangerous animal that is not confined as required by law, or

(3) Any other violation of this chapter based on animal behavior that causes  
a substantial risk to public safety.

(F) *Chronic noise nuisance* is demonstrated by the issuance of two (2) or more  
notice of infractions or citations for violation of MCC 8.10.190(b)(5)(6) and the  
receipt of multiple complaints from ~~more than one~~ (1) or more households,  
within a one (1) year period, in close proximity to the animal's location.

(1) Excluding all lawful commercial operation operated under appropriate  
zoning.

(G) *Dangerous or Exotic Animal means* any animal, ~~including insects~~, which is of  
a wild or predatory nature, or which because of its size, vicious nature or  
other characteristics would constitute an unreasonable danger to human life  
or property, ~~if not kept, maintained or confined in a safe and secure manner.~~  
~~A dog that has engaged in the behaviors specified in MCC 8.10.271. A~~  
dangerous or exotic animal under this chapter shall include any of the  
following animals:

Multnomah County Animal Control Code

1        (1) Any feline from the genera Panthera (lion, tiger, leopard, cougar)  
2                and Acinonyx (cheetah);

3        (2) Any monkey, ape, gorilla, hybrid thereof, or other non-human  
4                primate;

5        (3) Any wolf or canine except the species Canis Familiaris (domestic  
6                dog);

7        (4) Any bear;

8        (5) Any venomous or poisonous reptile;

9        (6) Any reptile of the order Crocodilia (crocodiles, alligators and  
10                caimans).

11    (H) Dangerous Dog means any dog found to have engaged in any of the  
12                behaviors specified in MCC 8.10.271.

13    (I)(H) Dangerous Dog Facility means any site for the keeping of one or more  
14                dangerous animals dogs.

15    (J)(H) Director means the director of the department of environmental services  
16                animal control division of Multnomah County or the director's designee.

17    (K) Domestic Animal. Any animal whose physiology has been determined or  
18                manipulated through selective breeding and does not occur naturally in  
19                the wild, or which may be vaccinated against rabies with an approved  
20                rabies vaccine and for which there is an established rabies quarantine  
21                observation period. Examples of domestic animals include dogs, cats and  
22                livestock.

23    (L) ~~(J)~~Euthanasia means putting an animal to death in a humane manner.

Multnomah County Animal Control Code

1 (M) ~~(K)~~ *Facility* is a site excluding veterinary hospitals operated or used for:

2 (1) Boarding, training or similar purposes of dogs, cats, or other animals  
3 commonly maintained as pets for varying periods of time.

4 (2) ~~For~~ The purpose of breeding, buying, selling, or bartering of dogs and/or  
5 cats, or other animals commonly maintained as pets.

6 ~~(3) (4) Facility operated by animal welfare/rescue organization. Breeding of~~  
7 ~~dogs and/or cats for the preservation of the breed.~~

8 (N) Harboring of a Dangerous or Exotic Animal means to knowingly allow the  
9 animal to remain, lodge, be fed, or to be given shelter or refuge within the  
10 person's home, store, yard, enclosure, vehicle or building, place of  
11 business, or any other premises in which the person resides or over which  
12 the person has control.

13 (O) ~~(L)~~ *Hearing officer* means a person appointed by the chair to hear appeals  
14 decisions of the director concerning violations of this ~~chapter, or license~~  
15 ~~denial or revocation under MGC 8.10.100 through 8.10.145~~ chapter.

16 (P) ~~(M)~~ *Immediate health hazard* exists if at any given location there are  
17 conditions related to animal care that the director determines warrant  
18 immediate intervention; such conditions include, but are not limited to  
19 inadequate sanitation, untreated disease, or animals in numbers greater  
20 than the animal's owner or keeper can reasonably care for.

21 (Q) ~~(N)~~ *Keeper* means any person or legal entity who harbors, cares for,  
22 exercises control over, or knowingly permits any animal to remain on  
23 premises occupied by that person for a period of time not less than 72

1 hours or someone who accepted the animal for the purpose of safe  
2 keeping.

3 ~~(O) Liability insurance means public liability insurance in a single incident amount~~  
4 ~~of not less than \$50,000.00 for bodily injury to or death of any person or~~  
5 ~~persons or a cash bond or irrevocable letter of credit in the amount up to~~  
6 ~~\$2,500.00. The owner or keeper shall be required to provide the director~~  
7 ~~with certification of insurance within ten days of receiving notification of~~  
8 ~~classification. Such policy shall provide that no cancellation of the policy~~  
9 ~~will be made unless ten days' written notice is given to the director by~~  
10 ~~certified mail.~~

11 ~~(R)(P)~~ Livestock means animals, including but not limited to fowl, horses, mules,  
12 burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine  
13 and or other farm domestic animals, excluding dogs and cats.

14 ~~(S)(Q)~~ Livestock facility means any site for the keeping of livestock.

15 (T) ~~(R)~~ Minimum care has the meaning as provided in ORS 167.310(8) (1995).

16 (U) ~~(S)~~ Muzzle means a device constructed of strong, soft material or a metal  
17 muzzle that ~~complies with specifications to be adopted as administrative~~  
18 ~~rules by the director. The muzzle must be~~ is made in a manner that will  
19 not cause injury to the dog or interfere with its vision or respiration but  
20 must prevent it from biting any person or animal.

21 (V) ~~(T)~~ Owner means any person or legal entity having a possessory property  
22 right in the animal or any person who has been a keeper of an animal  
23 for more than 90 days.



Multnomah County Animal Control Code

(W) ~~(U)~~ *Permit*, for the purpose of MCC 8.10.190, shall include human conduct that is intentional, deliberate, careless, inadvertent, or negligent in relationship to an animal.

(X) ~~(V)~~ *Person* means any natural person, association, partnership, firm or corporation.

(Y) ~~(W)~~ *Pet license* is a record issued by Animal Control which identifies an animal of licensable age and the owner. ~~Means a license for any owned animal that is of licensable age.~~

(Z) *Pet* means a domestic or other animal allowed under this Chapter to be kept as a companion:

(AA) ~~(X)~~ *Physical device or structure* means a tether, trolley system, other physical control device or structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping the premises.

(BB) ~~(Y)~~ *Physical injury* means physical impairment or as evidenced by scrapes, cuts, punctures, bruises or physical pain ~~or other evidence of physical impairment.~~

(CC) ~~(Z)~~ *Potentially dangerous dog* means any dog that has been found to have engaged in any of the behaviors specified in MCC 8.10.270.

(DD) ~~(AA)~~ *Public nuisance animal* is an animal that has been determined by the director to be a chronic noise nuisance, or a chronic safety nuisance, or an animal that is subjected to an immediate health hazard.

Multnomah County Animal Control Code

1 (EE)(BB) A secure enclosure shall be:

2 (1) A fully fenced pen, kennel or structure that shall remain locked with a  
3 padlock or combination lock. Such pen, kennel or structure must have  
4 secure sides, minimum of five feet high, and the director may require a  
5 secure top attached to the sides, and a secure bottom or floor attached to  
6 the sides of the structure or the sides must be embedded in the ground no  
7 less than one foot. The structure must be in compliance with the  
8 jurisdiction's building code.

9 (2) A house or garage. When dogs are kept inside a house or garage as a  
10 secure enclosure, the house or garage shall have latched doors kept in  
11 good repair to prevent the accidental escape of the dog. A house, garage,  
12 patio, porch or any part of the house or condition of the structure is not a  
13 secure enclosure if the structure would allow the dog to exit the structure  
14 ~~on~~ of its own volition; or

15 (3) For a Dangerous Dog, a fully fenced pen, kennel or structure at least six  
16 feet in height, installed beneath the ground level or in concrete or  
17 pavement, or a fabricated structure to prevent digging under it. Either  
18 enclosure shall be designed to prevent the entry of children or  
19 unauthorized persons and to prevent those persons from extending  
20 appendages inside the enclosure and be equipped with a self closing and  
21 self latching gate. A "Dangerous Dog" sign prescribed by the director  
22 must be posted at the entry to the owner's or keeper's premises.

Multnomah County Animal Control Code

1 (FF) ~~(GG)~~ *Serious physical injury* means any physical injury which creates a  
2 substantial risk of death or which causes significant disfigurement, significant  
3 impairment of health or significant loss or impairment of the function of any  
4 body part or bodily organ or protracted loss or impairment of health or of the  
5 function of any body part or organ.

6 (GG) ~~(DD)~~ *Service animal* is an animal that is professionally trained to provide  
7 assistance and whose primary function is to provide such service. Service  
8 animals include, but are not limited to, guide dogs, police dogs and rescue  
9 dogs. means any guide dog, signal dog or other animal individually trained to  
10 do work or perform tasks for the benefit of an individual with a disability,  
11 including, but not limited to, guiding individuals with impaired vision, alerting  
12 individuals with impaired hearing to intruders or sounds, providing minimal  
13 protection or rescue work, pulling a wheelchair, or fetching dropped items.  
14 Service animal shall also mean trained animals used by government agencies  
15 in police and rescue work.

16 (HH) ~~(EE)~~ *Sexually unproductive* means being incapable of reproduction and  
17 certified as such by a licensed veterinarian.

18 ~~(FF)~~ *Vicious animal* means any dangerous animal, excluding dogs or cats, which  
19 bites any human being or other domestic animal or which demonstrates  
20 menacing behavior towards human being or domestic animals. "Vicious  
21 animal" does not include an animal which bites, attacks or menaces a  
22 trespasser on the property of its owner or keeper or harms or menaces  
23 anyone who has tormented or abused it.

(II) Wolf-Hybrid means any animal which is either the result of cross breeding a purebred wolf and a dog or an existing wolf-hybrid with a dog.

[Ord. 156 § II (2) (1978); Ord. 379 §§ 1--3 (1983); Ord. 480 § 1 (1985); Ord. 517 § 2 (1986); Ord. 591 § 1 (1988); Ord. 732 §§ 1--3 (1992); Ord. 850, § 1 (1996)]

Section II. AMENDMENT

MCC 8.10.020 is amended as follows:

The board of county commissioners recognizes that ORS Chapter 609 constitutes state law for the regulation of dogs but may be superseded in home rule counties which provide for regulation by ordinance. The board finds that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities which house them; that animals require legal protection; that the property rights of owners or keepers and nonowners of animals should be protected and that the health, safety and welfare of the people residing in Multnomah County would best be served by adoption of such an ordinance.

Section III. AMENDMENT

MCC 8.10.035 is amended as follows:

(A) Whenever a county animal control officer or person designated by the director has reasonable grounds to believe that an animal or facility is in violation of this chapter, that officer or designee shall be authorized to issue the owner or keeper notice of civil infraction containing the following information:

Multnomah County Animal Control Code

(1) The name and address, if known, of the owner or person in violation of this chapter and description of the animal, if applicable; and

(2) The Code section allegedly violated plus a brief descriptive statement of the nature of the violation; and

(3) A statement of the amount due as a civil fine for the infraction and notice that the animal is to be impounded if impoundment is authorized hereunder.

(4) A statement explaining all fines are due within 30 days of service of the notice;

(5) A statement advising that if any civil fine is not timely paid, the failure to comply may lead to enhancement of the original fine or additional fines;

(6) A statement that the determination of violation is final unless appealed by filing a written notice of appeal ~~including~~ with a \$25.00 non-refundable fee ~~with~~ to the director of animal control division within 20 days of the date of the notice of infraction was served.

(7) A statement that an admission of infraction would be on record and could lead to the enhancement of fine on any subsequent infraction issued under this chapter as provided under MCC 8.10.900 (B).

[Ord. 732 § 4 (1992); Ord. 850, § 4 (1996)]

Section IV. AMENDMENT

MCC 8.10.036 is amended as follows:

1 The notice of infraction shall be served on the owner or keeper of the  
2 animal or facility in violation of this chapter by personal service or by regular and  
3 certified mail with return receipt requested.

4 [Ord. 732 § 5 (1992); Ord. 850, § 5 (1996)]  
5

6 Section V. AMENDMENT

7 MCC 8.10.038 is amended as follows:

8 (A) Any party who is issued a notice of infraction for any offense listed under  
9 MCC 8.10.900(A) may, in lieu of requesting a hearing, admit the infraction  
10 and submit the fine as stated on the notice of infraction to the animal control  
11 division. The party may attach a written explanation of mitigating  
12 circumstances with the payment of the fine.

13 (B) Any written explanations submitted under subsection (A) shall be reviewed  
14 by the hearings officer. The hearings officer shall have discretion to reduce  
15 the submitted fine and refund any portion not retained based on the written  
16 explanation.

17 (C) When a person issued a notice of infraction for violation of any of the  
18 following sections of this chapter: MCC 8.10.190(B)(2), (5) ~~(6)~~, (10) ~~(14)~~,  
19 (11) ~~(12)~~, or (12) ~~(13)~~; or MCC 8.10.191(A), the violation may be  
20 compromised as provided at MCC 8.10.038(D).

21 (D) If the person injured, damaged, or otherwise detrimentally impacted by the  
22 commission of the violation; acknowledges in writing any time before the final  
23 decision of the director, hearings officer, or a court of requisite jurisdiction,

1 that the person has received satisfaction for the injury damage or detrimental  
2 impact, the director hearings officer or court may in their discretion, on  
3 payment of any cost or expense incurred, order the notice of infraction  
4 dismissed.

5 (1) The director, hearings officer, or court when issuing an order to dismiss  
6 under this section, may impose additional conditions or requirements upon  
7 the party issued the violation, if in their determination the additional  
8 requirements are necessary to further protect the public health or safety.

9 (2) Any condition or requirement imposed pursuant to MCC 8.10.038(D)(1)  
10 shall be complied with prior to the entry of the final order dismissing the  
11 notice of infraction(s).

12 (E) The order authorized by MCC 8.10.038(D) when made and entered by the  
13 director, hearings officer or court is a bar to another enforcement action for  
14 the same violation.

15 [Ord. 732 § 7 (1992); Ord. 850, § 6 (1996)]

16 Section VI. AMENDMENT

17 MCC 8.10.040 is amended as follows:

18 (A) The director shall operate, maintain or provide for an adequate facility to  
19 receive, care for and safely confine any animal delivered to the director's  
20 custody under provisions of this chapter, which facility shall be accessible to  
21 the public during reasonable hours for the conduct of necessary business  
22 concerning impounded animals.

1 (B) Any animal may be impounded and held at the facility when it is the subject  
2 of a violation of this chapter, when an animal requires protective custody and  
3 care because of mistreatment or neglect by its owner or keeper or when  
4 otherwise ordered impounded by a court, a hearings officer, or the director.

5 (C) An animal shall be considered impounded from the time the director or the  
6 director's designee takes physical custody of the animal.

7 (D) Impoundment is subject to the following holding period and notice  
8 requirements:

9 (1) An animal bearing identification of ownership shall be held for 144 hours  
10 from time of impoundment. The director shall make reasonable effort  
11 ~~within 24 hours of impoundment~~ by phone to give notice of the  
12 impoundment to owner or keeper and, if unsuccessful, shall mail written  
13 notice ~~within 48 hours of impoundment~~ to the last known address of the  
14 owner or keeper advising of the impoundment, the date by which  
15 redemption must be made and the fees payable prior to redemption  
16 release.

17 (2) An animal ~~dog~~ for which no identification of ownership is known or  
18 reasonably determinable shall be held for 72 hours from time of  
19 impoundment before any disposition may be made of the animal.

20 (3) Animals held for periods prescribed under this section, or as otherwise  
21 required by ORS 433.340 or 433.390, and not redeemed by the owner or  
22 keeper, shall be subject to such means of disposal as the director  
23 considers most humane.



1 (4) Animals delivered for impoundment by a peace officer who removed the  
2 animal from possession of a person in custody of the peace officer shall  
3 be held for the period prescribed in paragraph (1) of this subsection. A  
4 receipt shall be given the peace officer, who shall deliver the receipt to the  
5 person in custody from whom the animal was taken. The receipt shall  
6 recite redemption requirements and shall serve as the notice required by  
7 this section.

8 (E) (1) Any impounded animal shall be released to the owner or keeper or the  
9 owner's or keeper's authorized representative upon payment of  
10 impoundment, care, rabies, vaccination deposits, license fees, past due fines,  
11 and all fees and deposits related to potentially dangerous dog regulations  
12 with the addition of the following conditions:

13 (a) Any animal impounded by court, hearings officer's or director's order shall  
14 be released to the owner or keeper or the owner's or keeper's authorized  
15 representative upon payment of all fees required in subsection (E) (1) of  
16 this section, and upon receipt of a written order of release from the court  
17 of competent jurisdiction or the hearings officer or the director issuing the  
18 order.

19 (b) Any classified potentially dangerous dog shall be released to the owner or  
20 keeper or the owner's or keeper's authorized representative upon  
21 payment of all fees required in subsection (E)(1) of this section, and upon  
22 verification of satisfactory compliance with the regulations required in  
23 MCC 8.10.270 to 8.10.280. Failure to be in satisfactory compliance with

1 the potentially dangerous dog regulations within ~~ten days of~~ twenty days  
2 after the date of impoundment shall result in the owner or keeper forfeiting  
3 all rights of ownership of the dog to the county.

4 (2) An animal held for the prescribed period and not redeemed by its owner or  
5 keeper, and which is neither a dangerous or exotic animal nor in a  
6 dangerous unhealthy condition ~~of health~~, may be released for adoption  
7 subject to the provision of MCC 8.10.045.

8 (3) The director shall dispose of animals held for the prescribed period without  
9 redemption or adoption only by humane means ~~of euthanasia, provided,~~  
10 ~~however, that, irrespective of any prescribed holding period, the director,~~  
11 ~~upon advice of a licensed veterinarian,~~

12 (4) At any time the director may euthanize any unlicensed and feral animal,  
13 or any unhealthy or injured animal by humane means without regard to  
14 the holding period specified in (D)(1)(2) above, provided the animal's  
15 injuries must be determined to be life threatening or if the animal is  
16 unhealthy the animal's condition must be found to present a health threat  
17 to the other animals in the shelter.

18 (5) Any device attached to any animal upon impoundment shall be retained,  
19 30 days, by the director should the animal be disposed of as provided in  
20 paragraph (3) of this subsection. Otherwise, the device shall accompany  
21 the animal when redeemed or adopted.

22 [Ord. 156§ III (2) (1977); Ord. 276 § 2 (1981); Ord. 379 §§ 5, 6 (1983); Ord. 591  
23 § 4 (1988); Ord. 732 § 3 (1992); Ord. 580, § 7 (1996)]

1 Section VII. AMENDMENT

2 MCC 8.10.041 is added as follows:

3 (A) Whenever a person in possession of an animal, which has been used in the  
4 commission of a violation of this Chapter, and which is the subject of a lawful  
5 order of impound, refuses to voluntarily release said animal to an Animal  
6 Control Officer upon timely and reasonable request, the Director shall  
7 determine the need to procure the animal's immediate impoundment.

8 (B) A limited search warrant authorized under this section shall be sought by the  
9 Division after the Director has determined the animals immediate  
10 impoundment is necessary based on one or more of the following factors:

11 (1) The public's health and safety is at risk by the subject animal remaining in  
12 the possession of the owner.

13 (2) The health and welfare of the subject animal is at risk by the animal  
14 remaining in the possession of the owner or keeper.

15 (3) The Owner/Keeper has failed to comply with requirements specified in  
16 MCC 8.10.192.

17 (C) The Director shall request the assistance of the Sheriff to procure and  
18 execute the limited search warrant. The Sheriff shall prepare the application  
19 for the warrant including the affidavit in support thereof. The Sheriff shall  
20 obtain the warrant in compliance with the procedures and practices  
21 authorized under State law for the seizure of property pursuant to a search  
22 warrant. The Director and the Sheriff shall coordinate with the Office of

1     County Counsel to review the affidavit for compliance with all the provisions  
2     herein stated.

3  
4     Section VIII. AMENDMENT

5             MCC 8.10.045 is amended as follows:

6     (A) An animal may be released for adoption or transferred to another adoption  
7         agency, approved by the director, subject to the following conditions:

8         (1) The adoptive owner ~~or keeper~~ shall agree in writing to furnish proper care  
9             to the animal in accordance with this chapter;

10        (2) Payment of required fees; however, animals transferred to another  
11           adoption agency are exempt from the requirement of paying adoption  
12           fees;

13        (3) In the case of a fertile dog or cat, the adoption agency must obtain prior to  
14           transfer from the adoption agency to the adoptive owner a surgical  
15           prepayment deposit in an amount not to exceed \$45.00 refundable upon  
16           furnishing evidence that the animal has been rendered sexually  
17           unreproductive; and written agreement by the adoptive owner or keeper to  
18           render any adopted dog or cat sexually unproductive within 30 days of  
19           adoption or upon the animal attaining sexual maturity, whichever event  
20           last occurs, together with a fee not to exceed \$45 refundable upon  
21           furnishing evidence the animal has been rendered sexually unproductive.  
22           Failure to perform the agreement shall be a forfeiture of the amount  
23           deposited under this paragraph and the director may require return of the

Multnomah County Animal Control Code

1        adopted dog or cat to the shelter. It is unlawful to fail to return an adopted  
2        animal as required by the director.

3        ~~(4) A written agreement by the adoptive owner or keeper to render any~~  
4        ~~adopted dog or cat sexually unproductive within 30 days of adoption or~~  
5        ~~upon the animal attaining sexual maturity, whichever event last occurs,~~  
6        ~~together with a fee not to exceed \$45 refundable upon furnishing evidence~~  
7        ~~the animal has been rendered sexually unproductive. Failure to perform~~  
8        ~~the agreement shall be a forfeiture of the amount deposited under~~  
9        ~~paragraph (3) of this section and the director may require return of the~~  
10       ~~adopted dog or cat to the shelter. It is unlawful to fail to return an adopted~~  
11       ~~animal as required by the director.~~

12       (B) The director may decline to release an animal for adoption under any of  
13       ~~the following~~ circumstances including but not limited to:

14       (1) The prospective adoptive owner ~~or keeper~~ has a history of violations of the  
15       animal control ordinance or has been convicted of an animal-related  
16       crime.

17       (2) The prospective adoptive owner ~~or keeper~~ has inadequate or  
18       inappropriate facilities for confining the animal and for providing proper  
19       care to the animal as set out in MCC 8.10.190;

20       (3) The existence of other circumstances which in the opinion of the director  
21       would endanger the welfare of the animal or the health, safety and welfare  
22       of the people residing in Multnomah County. ~~In making a decision under~~

1       ~~this subsection, the director shall consider the guidelines adopted by the~~  
2       ~~Multnomah County animal adoption panel.~~

3       (4) The animal is classified as a dangerous dog animal or a potentially  
4       dangerous dog.

5       (C) For purposes of this section "adoption agency" shall mean any government,  
6       association, corporation or similar entity approved by the director and capable  
7       of caring for animals pending final adoption placement.

8       [Ord. 275 § 4 (1981); Ord. 379 § 7 (1983); Ord. 732 § 3 (1992); Ord. 850, § 8  
9       (1996)]

10

11       Section IX. AMENDMENT

12       MCC 8.10.054 is amended as follows:

13       **8.10.054. Appeals, fee.**

14       (A) Any party served a notice of infraction or director's decision or order under  
15       this chapter may appeal the infraction or director's decision by submitting a  
16       notice of appeal in writing along with the \$25.00 hearing fee to the animal  
17       eControl dIvision within 30 days of the date the notice of infraction or  
18       director's decision or order was served on the party.

19       (B) Any party whose application for a facility license or dangerous animal facility  
20       license was denied, revoked or issued subject to conditions may appeal the  
21       license denial, revocation or conditional approval by submitting a notice of  
22       appeal in writing along with the \$25.00 hearing fee to the animal eControl

1        Division within 20 days of the date the denial or conditional approval was  
2        mailed to the applicant by certified mail.

3        [Ord. 732 § 9 (1992); Ord. 850, § 10 (1996)]

4  
5        Section X. AMENDMENT

6                MCC 8.10.055 is amended as follows:

7        (A) The board shall adopt procedural rules governing the conduct and  
8        scheduling of the appeal hearings under this chapter.

9        (B) Upon the receipt of a timely appeal, animal control division shall set the  
10       matter for hearing on the next available date scheduled for animal control  
11       hearings.

12       (C) Any party appealing a notice of infraction or license denial/revocation or  
13       director's decision or order under this chapter shall be given a written notice  
14       of the hearing date no less than ten days prior to the scheduled hearing.

15       (D) The hearings officer shall hold a public hearing on any timely appeal from a  
16       notice of infraction, director's decision or order, or the denial/revocation of a  
17       facility license. The party who brought the appeal or any other person having  
18       relevant evidence concerning the nature of the infraction or license  
19       denial/revocation shall be allowed to present testimony and documentary  
20       evidence at the hearing. The hearings officer may consider mitigating or  
21       extenuating circumstances presented on behalf of a party.

22       (E) If the hearing is held to address a notice of infraction or director's decision  
23       issued under MC 8.10.275 or 8.10.290, the hearings officer shall determine

1 whether the infraction contained in the notice did occur. The hearings officer  
2 shall have the same authority as the director under MCC 8.10.275 when  
3 conducting potentially dangerous dog hearings.

4 (F) If the hearing is held to address a facility license condition, denial or  
5 revocation, the hearings officer shall determine whether the license conditions  
6 were rightfully imposed or the license was rightfully denied or revoked as  
7 provided under MCC 8.10.120.

8 (G) The hearings officer shall issue a written decision containing findings of fact  
9 addressing the allegations contained in the notice of infraction, the director's  
10 decision, or the license denial/revocation under MCC 8.10.100 through  
11 8.10.145. The decision shall clearly state the hearings officer's conclusion  
12 and the reasoning based on the findings of fact. The decision shall be signed  
13 and dated by the hearings officer and shall be served by personal service or  
14 regular and certified mail to the last known address of the party who filed the  
15 appeal. The decision shall be final on the date of personal service or three  
16 (3) days after mailing.

17 (H) In all appeal under this chapter the hearings officer shall have discretion  
18 ordering conditions, restrictions and penalties.

19 (I) Failure of a party to file an appeal as provided in this section or unexcused  
20 failure of a party to appear at a duly scheduled hearing shall constitute a  
21 waiver by the party of any further appeal under this chapter. Upon the entry  
22 of a waiver in the record, the last decision issued by the animal control  
23 division shall become final.



1 [Ord. 732 § 10 (1992); Ord. 850, § 11 (1996)]

2

3 SECTION XI. AMENDMENT

4 MCC 8.10.060 is amended as follows:

5 **8.10.060. Dogs and cats subject to pet licensing.**

6 (A) The provisions of MCC 8.10.060 to 8.10.090, shall apply to dogs and cats  
7 not covered under a facility subject to licensure under MCC 8.10.100 to  
8 8.10.140.

9 (B) Any animal declared by its owner or keeper to be a wolf-hybrid shall be  
10 considered a dog under this chapter and subject to all provisions relating to  
11 dogs under state law and this chapter with respect to the possession,  
12 ownership and licensing of the animal, including the requirement to vaccinate  
13 the animal against rabies.

14 (C) As a condition of the issuance of a license to a wolf-hybrid owner or keeper,  
15 and notwithstanding that person's obligation to vaccinate the animal against  
16 rabies under MCC 8.10.060(B), any such owner or keeper shall agree in  
17 writing to immediately release the animal for euthanization upon demand of  
18 the County Health Officer or the Director, if the animal has bitten a person or  
19 has been exposed to a rabid animal. This condition, consenting to release,  
20 shall be effective for the life of the wolf-hybrid or until such time as a rabies  
21 vaccine is approved and certified by the Oregon State Department of  
22 Agriculture for use in wolf-hybrids.

23 [Ord. 156 § IV(1) (1977); Ord. 480 § 2 (1985); Ord. 850 § 13 (1996)]

1 Section XII. AMENDMENT

2 MCC 8.10.070 is amended as follows:

3 (A) Dogs and cats shall be licensed within 30 days of obtaining the age of six  
4 months or within 30 days of obtaining residency in the county or within 30  
5 days of acquisition by the owner or keeper, whichever occurs later.

6 (B) Licenses shall be valid for one, two or three years from date of issuance, at  
7 the option of the pet owner or keeper and, for dogs and cats, shall require a  
8 current rabies inoculation for licensing period selected and shall be issued  
9 upon payment of the fee required by MCC 8.10.220.

10 (C) Licenses issued under prior existing Multnomah County ordinances shall  
11 remain valid until expiration.

12 (D) The person who licenses an animal becomes the owner or keeper of record  
13 and is responsible for the action or behavior of his or her animal including  
14 those responsibilities of an owner as provided in MCC 8.10.190 (A).

15 [Ord. 156 § IV(2a) (1977); Ord. 480 § 3 (1985); Ord. 732 § 3 (1992); Ord. 850,  
16 § 14 (1996)]

17  
18 Section XIII. AMENDMENT

19 MCC 8.10.080 is amended as follows:

20 (A) Pet license tags shall be securely displayed upon animals at all times, except  
21 when the animal is confined to the owner's or keeper's premises or displayed  
22 in an exhibition. ~~Pet owners or keepers shall be allowed to choose the means~~  
23 ~~by which to display the pet license number (tag, collar, tattoo, microchip or~~

Multnomah County Animal Control Code

1 ~~another form of identification with the pet license number on it.)~~ A pet license  
2 tag, with pet license number, shall be issued by the director. Any additional  
3 expenses ~~is~~ are to be borne by the pet owner or keeper.

4 (B) A pet license is not transferable to another animal. The pet license number  
5 shall be assigned to the animal and shall remain with the animal upon transfer  
6 to another owner or keeper for the life of the animal.

7 (C) An animal displaying a current license from jurisdictions outside Multnomah  
8 County, but within the State of Oregon, shall not require licensing under this  
9 chapter until expiration of the current license.

10 (D) Animal control may inspect the premises ~~with five or more~~ where animals are  
11 kept to insure that owners or keepers are providing minimum care and  
12 facilities.

13 [Ord. 156 § IV(2b) (1977); Ord. 195 § 11 (1979); Ord. 480 § 5 (1985); Ord. 732 §  
14 3 (1992); Ord. 850, § 15 (1996)]

15  
16 Section XIX. AMENDMENT

17 MCC 8.10.090 is amended as follows:

18 (A) License ~~F~~ees shall be waived for licenses issued for any dog used primarily  
19 as a service animal upon presentment the owner or keeper establishing the  
20 service animal's function as an assistance animal under the Americans With  
21 Disabilities Act, 42 USC § 12101 et seq. ~~of an ADA affidavit by the animal's~~  
22 ~~owner or keeper. A service animal license shall be valid for the duration that~~

1 ~~the dog provides the service or upon retirement due to age or infirmity and so~~  
2 ~~long as the dog remains the property of the person named in the affidavit.~~

3 (B) License fees for dogs and cats owned by persons aged 65 or older and  
4 persons deemed by the director to be under financial hardship shall may be  
5 reduced by up to 50 percent for up to two (2) animals per household.

6 (C) License fees shall be waived for any dog used as a service animal by any  
7 Local, State or Federal Government agency. This exemption shall expire  
8 when the dog is no longer used primarily as a service animal.

9 [Ord. 156 § IV(2c) (1977); Ord. 480 § 6 (1985); Ord. 684 § 3 (1991); Ord. 732 § 3  
10 (1992); Ord. 850, § 17 (1996)]

11

12 Section XV. AMENDMENT

13 MCC 8.10.100 is amended as follows:

14 ~~(A)~~ A facility license or dangerous animal dog facility license shall be granted in  
15 accordance with procedures, standards and limitations provided in MCC  
16 8.10.100 to 8.10.140, and no such facility may lawfully be operated except  
17 upon application and payment of prescribed fees for the license.

18 ~~(B) Issuance of the license shall require prior land use approval and shall be in~~  
19 ~~compliance with any land use restrictions or regulations which may apply to~~  
20 ~~the proposed facility operation.~~

21 ~~(C) The Oregon Humane Society, located at 1067 NE Columbia Boulevard in~~  
22 ~~Portland, Oregon, shall be exempt from the requirements of MCC 8.10.100 to~~  
23 ~~8.10.140.~~

1 [Ord. 156 § V(1) (1977); Ord. 480 § 7 (1985); Ord. 850, § 18 (1996)]

2 Section XVI. AMENDMENT

3 MCC 8.10.110 is amended as follows:

4 (A) Application for a facility license or dangerous ~~animal~~ dog facility license shall  
5 be made upon forms furnished by the director, shall include all information  
6 required therein and shall be accompanied by payment of the required fee.

7 (B) A facility license or dangerous ~~animal~~ dog facility license shall be valid for  
8 one year from the date of issuance, unless revoked.

9 (C) The director shall inspect any facility for which a license is sought and, upon  
10 determination that the facility and its operation complies with all applicable  
11 provisions of this chapter and other applicable local, state and federal laws,  
12 shall issue a license which may include one or more conditions of approval  
13 and/or operation.

14 (D) If the director fails to approve or deny a fully completed application within 60  
15 days of its receipt and payment of fees, the application shall be considered  
16 approved for the current year, subject only to revocation as provided in MCC  
17 8.10.120.

18 (E) A license shall be conspicuously displayed on the facility premises and a  
19 holder of a license shall keep available for inspection by the director a record  
20 of the name, address and telephone number of the owner or keeper of each

Multnomah County Animal Control Code

1 animal kept at the facility, the date each animal was received, the purpose  
2 therefor, the name and address of the person from whom the animal was  
3 purchased or received, a description of each animal including species, age,  
4 breed, sex and color and the animal's veterinarian, if known, at the discretion  
5 of the director. For small animal such as fish, gerbils, hamsters or similar  
6 kinds of animals acquired in lots, an individual record should not be required  
7 for each animal, but the holders shall keep an adequate invoice record of the  
8 lot acquisition.

9 [Ord. 156 § V(2) (1977); Ord. 480 § 8 (1985); Ord. 732 § 3 (1992); Ord. 850 § 19  
10 (1996)]

11 Section XVII. AMENDMENT

12 MCC 8.10.120 is amended as follows:

13 (A) A license required by MCC 8.10.100 to 8.10.140 may be denied or revoked  
14 for any of the following reasons:

15 (1) Failure to comply ~~substantially~~ with any provision of this chapter.

16 (2) Conviction of the owner or keeper or any person subject to the owner's or  
17 keeper's direction or control for the violation of any provision of this  
18 chapter or other applicable state or federal law, rule, order or regulation  
19 pertaining to any activity relating to animals.

1 (3) Furnishing false information on an application for a license under this  
2 chapter.

3 (B) The director shall refund ~~400~~ 75 percent of any fee paid upon denial of a  
4 license, provided, however, no refund shall be made upon revocation.

5 (C) If the director denies an application for a license or approves subject to  
6 conditions, the determination is final unless the applicant appeals the denial  
7 or conditional approval.

8 (D) The director shall investigate any complaint concerning licensed facilities  
9 and, upon determination that a license should be revoked, shall serve written  
10 notice upon the licensee of that determination by certified mail. The director's  
11 determination shall become final unless appealed.

12 (E) Failure to file a request within 20 days shall terminate any appeal right, and  
13 the director's decision revoking the license shall not be reviewable otherwise.

14 [Ord. 156 § V(3) (1977); Ord. 732 §§ 3, 13 (1992); Ord. 850, § 20 (1996)]  
15

16 Section XVIII. AMENDMENT

17 MCC 8.10.130 is amended as follows:

18 The director shall not issue facility license or dangerous ~~animal~~ dog facility  
19 license until a site inspection demonstrates compliance with the standards  
20 applicable to the nature and species of any animal to be kept as set forth in this  
21 section:

**Multnomah County Animal Control Code**

- 1 (A) Housing structures shall be sound and maintained in good repair to protect  
2 animals from injury, safely confine any animal housed therein and prevent  
3 entry of other animals.
- 4 (B) Reliable and adequate electrical service and a potable water supply shall  
5 serve the facility.
- 6 (C) Storage of food supplies and bedding materials shall be designed to prevent  
7 vermin infestation.
- 8 (D) Refrigeration shall be furnished for perishable foods.
- 9 (E) Safe and sanitary disposal facilities shall be available to eliminate animal and  
10 food wastes, bedding, dead animals and debris and to minimize vermin  
11 infestation, odors and disease hazards.
- 12 (F) Cleaning facilities shall be available to animal caretakers and handlers.
- 13 (G) Interior ambient temperature shall be maintained above 50 degrees  
14 Fahrenheit for animals not acclimatized to lower temperatures.
- 15 (H) Adequate ventilation shall be maintained to assure animal comfort by such  
16 means as will provide sufficient fresh air and minimize drafts, odors and  
17 moisture condensation. Mechanical ventilation must be available when  
18 ambient temperatures exceed 85 degrees Fahrenheit, if appropriate.
- 19 (I) Interior areas shall have adequate natural or artificial lighting provided,  
20 however, that primary enclosures for animals shall be protected from  
21 excessive illumination.
- 22 (J) Interior building surfaces shall be so constructed and maintained to permit  
23 sanitizing and prevent moisture penetration.



1 (K) Drainage facilities shall be available to assure rapid elimination of excess  
2 water from indoor housing facilities. The design shall assure obstruction-free  
3 flow and traps to prevent sewage back-flow.

4 (L) Outdoor facilities shall provide protective shading and adequate shelter areas  
5 designed to minimize harmful exposure to weather conditions for those  
6 animals not acclimatized to the environment, if appropriate for the species.

7 (M) The primary enclosure shall be of sufficient size to permit each animal  
8 housed therein to stand freely, sit, turn about and lie in a comfortable normal  
9 position as appropriate for the species. An exercise area or means to provide  
10 each animal with exercise shall be provided on the premises.

11 (N) When restraining devices are used in connection with a primary enclosure  
12 intended to permit movement outside the enclosure, the devices shall be  
13 installed in a manner to prevent entanglement with devices of other animals  
14 or objects and shall be fitted to the animal by a harness or well-fitted collar,  
15 other than a choke type collar, and shall be of reasonable length.

16 (O) Animals shall be fed, as often as necessary, a diet of nutritionally adequate  
17 and uncontaminated foods.

18 (P) Potable water shall be continuously available, unless otherwise  
19 recommended by a veterinarian in a particular situation.

20 (Q) Cages, rooms, hard-surfaced pens, runs and food and watering receptacles  
21 shall be sanitized daily to prevent disease ~~not less than once every two weeks~~  
22 ~~by washing with hot water (180 degrees Fahrenheit) and soap or detergent,~~  
23 ~~by washing with a combination disinfectant and cleanser, by washing with a~~

1 ~~detergent followed with a safe, effective disinfectant or by cleaning with~~  
2 ~~steam.~~ Prior to the introduction of housing animals ~~in~~ into empty enclosures  
3 ~~previously occupied~~, the enclosures shall be sanitized. Animals shall be  
4 removed from the enclosure during the cleaning process and adequate care  
5 shall be taken to protect animals in other enclosures.

6 (R) Excrement shall be removed from primary enclosures a minimum of every 24  
7 hours, or more often if necessary as to prevent contamination, reduce  
8 disease hazards and minimize odors.

9 (S) Animals housed together in primary enclosures shall be maintained in  
10 compatible groups with the following restrictions, except in a residential  
11 dwelling or otherwise appropriate for the species:

12 (1) Females in season (estrus) shall not be placed with males except for  
13 breeding purposes;

14 (2) Animals exhibiting vicious behavior shall be housed separately;

15 (3) Animals six months or less of age shall not be housed with adult animals  
16 other than with their mothers, as appropriate for the species;

17 (4) Animals shall not be housed with other non-compatible species of  
18 animals; and

19 (5) Animals under quarantine or treatment for any communicable disease  
20 shall be separated from other animals.

21 (T) Programs of disease control and prevention shall be established and  
22 maintained.

1 (U) Each animal shall be seen at least once per 24-hour period by an animal  
2 caretaker.

3 (V) Owner or keeper shall comply with the provisions of MCC 8.10.190(B)(6)(7)  
4 and (B)(8)(9).

5 [Ord. 156 § V(4) (1977); Ord. 850, § 21 (1996)]

6  
7 Section XIX. AMENDMENT

8 MCC 8.10.140 is amended as follows:

9 (A) Exotic, wild or dangerous animal regulation facility license.

10 It is unlawful to harbor and/or own an exotic or dangerous animal. Any facility  
11 for keeping of any dangerous animal, whether or not otherwise licensed under  
12 this chapter, shall be licensed subject to MCC 8.10.100 and 8.10.110, and the  
13 following requirements:

14 Animals must at all times be housed in a manner which assures that animals  
15 will not create a public nuisance by reason of noise or emission of offensive  
16 odors, present a danger to human life or property, endanger the health of the  
17 animals or create a safety or health hazard to human beings. The facility  
18 must meet the standards as described in the Oregon Administrative Rules  
19 chapter 603, division 11, sections 700 through 725 as published in 1994 and  
20 as is from time to time amended or as required by the director.

21 An applicant for a license must demonstrate satisfactory proof to respond in  
22 damages for bodily injury or death of any person or for damage to any  
23 property which may result from the keeping, owning or control of the animal.

Multnomah County Animal Control Code

~~The director may require posting of an adequate bond or proof of liability insurance to remain in effect during any license period.~~

(B) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with 8.10.140(A):

(1) Any facility accredited by the Association of Zoos and Parks and Aquariums (AZPA):

(2) Any licensed or accredited research or medical institution, including any such institution dedicated to the training of exotic primates for service animals;

(3) License or accredited educational institutions;

(4) Veterinary clinics in possession of exotic animals for treatment or rehabilitation purposes.

(5) Traveling circuses or carnivals;

(6) Persons temporarily transporting exotic animals through the county provided that the transit time shall not be more than three (3) days.

(7) Any person or facility licensed as an exhibitor or breeder by the United States Department of Agriculture (USDA) under the Animal Welfare Act.

(8) Persons owning or keeping a trained exotic primate as a service animal and who have submitted a sworn affidavit affirming the need for the service animal in their personal dwelling.

~~(C) A license issued under this section shall be subject to revocation by the director under MGC 8.10.120. Any person, not otherwise exempted, in possession of an exotic animal prior to and upon July 1, 1998, shall be~~

1 eligible to request an Exemption Permit from Compliance with MCC

2 8.10.190(B)(14) by submitting a written petition to the director. The petition

3 must address each of the following elements:

4 (1) What, if any, financial hardship will be caused by the removal of the  
5 animal;

6 (2) Description of the animal including species, age, size, weight, coloring;

7 (3) Proof of liability insurance, minimum \$50,000, or, bond for \$5,000 covering  
8 the animal;

9 (4) History of Compliance With All Exotic and Dangerous Animal Facility  
10 Regulations under any applicable federal or state law.

11 (D) The director shall evaluate whether any petition submitted under subsection

12 (E) herein merits the exotic animal to be allowed to be maintained at the  
13 facility for the duration of the animal's life. Said determination shall be based  
14 on comparison of the risk to public health and safety by the specified animal  
15 remaining in the facility and petitioner's response to the four factors  
16 addressed in the petition.

17 (E) Any Exemption Permit issued under this section shall only be available to the

18 original permit holder, and shall be non-assignable and nontransferable. An  
19 exemption permit shall be subject to annul renewal and routine periodic  
20 inspection of the facility. Inspection of the facility wherein the animal is kept  
21 shall be for the purposes of evaluating the adequacy of the facility to protect  
22 the public from the animal as well as for the care and treatment of the animal.

23 The Exemption Permit shall:

Multnomah County Animal Control Code

1 (1) Terminate upon death of the animal;

2 (2) Terminate upon the death of the petitioner;

3 (3) Shall be subject to revocation and the animal shall be subject to  
4 immediate impoundment upon any notice of infraction being issued to the  
5 permit holder;

6 (4) Provide that upon termination of the permit for any reason, and if the  
7 animal has not been otherwise disposed of at such time, that the permit  
8 holder, or his or her heirs or successors in interest shall either:

9 (a) Immediately release the animal to impound by the Animal Control  
10 Division, or

11 (b) Immediately transfer the animal to lawfully exempted agency as  
12 provided in subsection (D) herein, that has agreed in writing to accept  
13 the animal, proof of which shall be provided to the Animal Control  
14 Division prior to the transfer.

15 (F) Any dangerous or exotic animal found in Multnomah County in violation of  
16 this section and not otherwise exempt under MCC 8.10.140(B) or (C) shall be  
17 subject to immediate impoundment by Animal Control and disposition  
18 through any lawful and humane means available to Animal Control.

19 [Ord. 156 § V(5) (1977); Ord. 850, § 22 (1996)]

20  
21 Section XX. AMENDMENT

22 MCC 8.10.160 is amended as follows:

Multnomah County Animal Control Code

- 1 (A) Any person who finds and harbors an animal without knowing the animal  
2 owner's or keeper's identity shall notify the director and furnish a description  
3 of the animal within 5 days after the date of finding the animal.
- 4 (B) The finder may surrender the animal to the director or retain its possession,  
5 subject to surrender upon demand of the director.
- 6 (C) Records of reported findings shall be retained for six months by the director  
7 and made available for public inspection.
- 8 (D) If the finder chooses to retain possession of the animal, the finder shall,  
9 within 15 days, cause to be published in a newspaper of general circulation in  
10 the county a notice of the finding once each week for two consecutive weeks.  
11 Each such notice shall state the description of the animal, the location where  
12 the animal was found, the name and address of the finder and the final date  
13 before which such animal may be claimed. If the finder does not wish to have  
14 his or her name and address appear in the notice, he or she may obtain a  
15 case number from Multnomah County Animal Control and have that number  
16 published in the newspaper along with the phone number for a Animal  
17 eControl for contact.
- 18 (E) If no person appears and claims ownership of the animal prior to the  
19 expiration of ~~90~~ 180 days after the date of the notice to the director under  
20 subsection (A) of this section, the finder shall be declared the owner of the  
21 animal. Any person becoming owner of any animal under the provisions of  
22 this subsection shall assume the responsibilities of an owner under this  
23 chapter.

1 (F) If within ~~three months~~ 180 days of the finder's notice to the director the  
2 animal's owner does appear and establish ownership of the animal, the finder  
3 shall surrender possession of the animal to that owner, provided, however,  
4 that the owner first tender to the finder payment for all of the finder's  
5 reasonable actual costs incurred for giving of notice, providing urgent  
6 veterinary care and keeping of the animal.

7 (G) Any dispute as to ownership or right to possession of the animal, or as to the  
8 amount of the finder's costs, shall be submitted to the director in writing, who  
9 shall ~~promptly~~ decide the matter in writing within 30 days. Any party  
10 aggrieved by the director's decision may appeal the decision under MCC  
11 8.10.054 through 8.10.057.

12 (H) Notwithstanding any other provision in this section, any person who prior to  
13 December 31, 1995 found and harbored any dog or cat and who notified the  
14 director and furnished a description of the animal shall be the animal's owner  
15 if, prior to the expiration of ~~three months~~ 180 days after the director was  
16 notified, no person appeared and claimed ownership of the animal. Any  
17 person becoming owner of any animal under the provisions of this subsection  
18 shall assume the responsibilities of an owner under this chapter.

19  
20 Section XXI. AMENDMENT

21 MCC 8.10.170 is amended to read as follows:



1 Any person in physical possession or control of any animal off the  
2 premises of the animal's owner or keeper shall immediately remove excrement or  
3 other solid waste deposited by the animal in any public area ~~or private property.~~

4 [Ord. 156 § VI(3) (1977); Ord. 850, § 26 (1996)]  
5

6 Section XXII. AMENDMENT

7 MCC 8.10.190 is amended as follows:

8 (A) For the purposes of this section, unless otherwise limited, the owner is  
9 ultimately responsible for the behavior of his or her animal regardless of  
10 whether the owner or another member of the owner's household or a  
11 household visitor permitted the animal to engage in the behavior that is the  
12 subject of the violation.

13 (B) It is unlawful for any person to:

14 (1) Permit an animal to be an animal at large.

15 (2) Permit an animal to trespass upon property of another.

16 (3) ~~(4) Keep a vicious animal.~~ Fail to comply with requirements of this  
17 chapter which apply to the keeping of an animal, or dangerous animal or  
18 any facility where such animals are kept.

19 (4) ~~(5)~~ Permit a dog in season (estrus) to be accessible to a male dog not in  
20 the person's ownership except for intentional breeding purposes.

21 (5) ~~(6)~~ Permit any animal to unreasonably cause annoyance, alarm or noise  
22 disturbance to any person or neighborhood by at any time of the day or  
23 night, by repeated barking, whining, screeching, howling, braying or other

1 like sounds which may be heard beyond the boundary of the owner's or  
2 keeper's property under conditions wherein the animal sounds are shown  
3 to have occurred either as repeated episodes of continuous noise lasting  
4 for a minimum period of ten minutes or repeated episodes of intermittent  
5 noise lasting for a minimum period of thirty minutes. It shall be an  
6 affirmative defense under this subsection that the animal was intentionally  
7 provoked by a party other than the owner to make such noise. Provided,  
8 8.10.190(B)(5) shall not be applicable to any lawful livestock owner or  
9 keeper; kennel or similar facility, wherein the presence of livestock or the  
10 operation of a kennel or similar facility is authorized under the applicable  
11 land use and zoning laws and regulations.

12 (6) ~~(7)~~ Leave an animal unattended for more than 24 consecutive hours  
13 without minimum care.

14 (7) ~~(8)~~ Deprive an animal of proper facilities or care, including but not limited  
15 to the items prescribed in MCC 8.10.130. Proper shelter ~~shall~~ must  
16 ~~include a structure that does not leak, will~~ provide protection from the  
17 weather and is maintained in a condition to protect the animals from injury.

18 (8) ~~(9)~~ Physically mistreat any animal either by abuse or neglect or failure to  
19 furnish minimum care.

20 (9) ~~(10)~~ Permit any animal to leave the confines of any officially prescribed  
21 quarantine area.

22 (10) ~~(11)~~ Permit any dog to engage in any of the behaviors described in MCC  
23 8.10.270(A) or (B).

1 (11)(12) Permit any dog to engage in any of the behaviors described in MCC  
2 8.10.270(C) through 8.10.270 (D).

3 (12)(13) Permit any dog to engage in the behavior described in MCC  
4 8.10.271.

5 (13) To harbor a dangerous or exotic animal that is not otherwise exempted  
6 under MCC 8.10.140. Provided, any person who is keeping or owning a  
7 dangerous animal on the effective date of this Ordinance in their  
8 jurisdiction shall have 60 days from that date to provide for the animal's  
9 disposition outside of the County.

10 (C) For the purpose of this section "owner" shall mean either owner or keeper as  
11 defined under this chapter.

12 (E) Notwithstanding, MCC 8.10.190(B)(10), (11) and (12), any dog that has been  
13 found to have engaged in behaviors as described at MCC 8.10.270 or  
14 8.10.271, shall be classified, regardless of whether it is established by  
15 preponderance of the evidence that the dog owner, keeper or other person  
16 permitted the dog to engage in the behavior. If in any such case, it is not  
17 established by a preponderance of the evidence that the person cited  
18 permitted the dog to engage in the behavior, no fine shall be imposed against  
19 that person, but the dog owner or keeper shall be subject to all other  
20 restrictions and conditions lawfully imposed by the director or a hearings  
21 officer pursuant to MCC 8.10.280(B) and 8.10.055(H) respectively and;

22 (1) In any case, wherein the citing officer or the director based upon his or her  
23 investigation and review of such case, determines there is insufficient

1 evidence to establish the responsible party permitted the dog to engage in  
2 the violative behavior, may in lieu of issuing a Notice of Infraction for  
3 violation of MCC 8.10.190(B)(10), (11) or (12) issue a Notice of Infraction  
4 citing this subsection and the specific subsection of MCC 8.10.270 or  
5 8.10.271 directly applicable to the dog's alleged behavior.

6 (2) Any Notice of Infraction issued pursuant to 8.10.190(E)(1) shall not be  
7 subject to the imposition of a fine against the person cited, upon issuance  
8 or affirmation but that person shall be subject to all other restrictions and  
9 conditions lawfully imposed by the director or a hearings officer pursuant  
10 to MCC 8.10.280(B) and 8.10.055(H) respectively.

11 [Ord. 156 § VI(5) (1977); Ord. 517 § 4 (1986); Ord. 732 §§ 3, 14 (1992); Ord.  
12 850, § 28 (1996)]

13 Section XXIII. AMENDMENT

14 MCC 8.10.191 is amended as follows:

15 (A) The failure to comply with any conditions or restrictions lawfully imposed  
16 pursuant to a notice of infraction or director's decision not otherwise stayed  
17 under MCC 8.10.056 is a violation of this chapter. Failure to pay the civil fine  
18 shall be an infraction under this section. A notice of infraction issued under  
19 this section for failure to comply shall be of the same classification as the  
20 original infraction. The first notice of infraction issued under this section shall  
21 not be construed as a second offense under MCC 8.10.900(B).

22 (B) Except as provided in MCC 8.10.191(C), all enforcement actions under this  
23 section shall be brought before a hearings officer.

1 (C) Any enforcement action for a Class A infraction failure to comply wherein the  
2 circumstances of the failure to comply by the party in violation are  
3 determined by the director to:

4 (1) Be a substantial risk to public safety; or

5 (2) Be a substantial risk to the care and treatment of the subject animal(s); or

6 (3) Be a failure to pay past-due fines on three or more infractions within a 20  
7 month period;

8 shall be brought in the state court as provided under ORS 203.810 and ORS  
9 30.315.

10 (D) Notwithstanding subsection (A) of this section, a notice of failure to comply  
11 issued under this section that is based solely on the failure to pay the annual  
12 classified dog fee under MCC 8.10.280(G), shall be a Class C infraction.

13 [Ord. 732 § 15 (1992); Ord. 773, § 2 (1993); Ord. 850, § 29 (1996)]

14 (E) In addition to any other remedies allowed by law, judgment may be entered  
15 under this Section in state court against any person issued a citation under  
16 subsection (C) of this section by reason of that person failing to appear at the  
17 time and date set for arraignment or other required appearance provided that  
18 such judgment shall only be allowed if the notice of infraction served on the  
19 person contains a statement notifying the person that a monetary judgment  
20 may be entered against the person up to the maximum amount of fines,  
21 assessments, and other costs allowed by law for the infraction if the person  
22 fails to appear at the time, date and court specified in the notice of infraction  
23 or subsequent hearing notice from the court.

1 Section XXIV. AMENDMENT

2 MCC 8.10.192 is amended as follows:

3 (A) Whenever a public nuisance animal, as determined by the director under this  
4 chapter is found on any premises within the jurisdiction of the county, a  
5 written order may be given to the owner or keeper of the animal(s), or to the  
6 owner, occupant, person in possession, person in charge, or person in control  
7 of the premises where the animal(s) is (are) located, or a written order may be  
8 posted at such premises when none of the above people can be found at the  
9 premises. Such order shall be signed by the director and shall give the  
10 person or persons to whom it is directed no less than 72 hours (three days)  
11 nor more than 120 hours (five days) to remove and abate the nuisance.

12 (B) If, after the time given to comply with the notice has passed, the nuisance has  
13 not been abated, the director may summarily abate the nuisance by ordering  
14 impoundment of the animal(s) and assess the cost of such abatement against  
15 the owner or keeper of the animal(s), or the owner, occupant, person in  
16 possession, person in charge, or person in control of the premises where the  
17 animal(s) is (are) located, to be collected by suit or otherwise, in addition to  
18 the penalties for the violation thereof.

19 (C) It shall be unlawful to fail to comply with an order to abate a nuisance issued  
20 as provided in subsection (A) and shall be construed ~~as interference with the~~  
21 ~~director under MCC 8.10.030(D)~~ a Class A Infraction.

22 (D)(1) Any party served a written order to abate a nuisance as provided in  
23 subsection (A) of this section, may appeal the order as provided under

1 MCC 8.10.054. The appeal under this section may be consolidated with  
2 any underlying infraction still pending eligible for appeal under this  
3 chapter. Provided, any challenge to an enforcement action brought under  
4 subsection (C) of this section, including issues relating to the validity of the  
5 order to abate the nuisance, shall be joined in one state court proceeding,  
6 and there shall be no further administrative review or appeal except as  
7 directed by the court.

8 (2) Any animal impounded pursuant to the order to abate shall not be  
9 released until such time as the director, hearings officer, or court of  
10 competent jurisdiction orders such release.

11 (E) (1) Any enforcement action first brought under MCC 8.10.191(C) shall bar  
12 any enforcement action brought under this section in relation to the same  
13 event or series of events subject to regulation and enforcement under this  
14 chapter.

15 (2) Notwithstanding MCC 8.10.191(C), any enforcement action first brought  
16 under this section shall bar any enforcement action brought under MCC  
17 8.10.191(C) in relation to the same event or series of events subject to  
18 regulation and enforcement under this Chapter.

19 [Ord. 850, § 30 (1996)]

20 Section XXV. AMENDMENT

21 MCC 8.10.200 is amended as follows:

22 It is unlawful for any person in Multnomah County to:

23 (A) Harbor, keep, possess, breed or deal in gamecocks; or

1 (B) Knowingly and intentionally, whether for amusement of self or others, or for  
2 financial gain, cause any animal to fight or injure any other animal, cause it to  
3 be fought or injured by any other animal or to train or keep for the purpose of  
4 training any animal with the intent that the animal shall be exhibited  
5 combatively with any other animal. Anyone who permits such conduct on  
6 premises under that person's control, and any person present as a spectator  
7 at that exhibition, shall be considered a violator of this subsection and subject  
8 to punishment upon conviction.

9  
10 Section XXVI. AMENDMENT

11 MCC 8.10.270 is amended as follows:

12 Classification of a dog as potentially dangerous shall be based upon specific  
13 behaviors exhibited by the dog. For purposes of MCC 8.10.265 through  
14 8.10.285, behaviors establishing various levels of potentially dangerous dogs are  
15 as follows:

16 (A) Level 1 behavior is established if a dog at large is found to menace, chase,  
17 display threatening or aggressive behavior or otherwise threaten or endanger  
18 the safety of any person ~~or domestic animal~~.

19 (B) Level 2 behavior is established if a dog while at large, causes physical injury  
20 to any domestic animal.

21 (C) Level 3 behavior is established if a dog, while confined in accordance with  
22 MCC 8.10.010(B), aggressively bites ~~or causes any physical injury to~~ any  
23 person.



1 (D) Level 4 behavior is established if:

2 (1) A dog, while at large,

3 (a) aggressively bites or causes physical injury to any person; or

4 (b) kills or causes the death of any domestic animal or livestock; or

5 (2) A dog classified as a Level 3 potentially dangerous dog that repeats the  
6 behavior in subsection (C) of this section after the owner or keeper  
7 receives notice of the Level 3 classification.

8 (E) Notwithstanding subsection (A) through (D) of this section, the director shall  
9 have discretionary authority to refrain from classifying a dog as potentially  
10 dangerous, even if the dog has engaged in the behaviors specified in  
11 subsections (A) through (E) of this section, if the director determines that the  
12 behavior was the result of the victim abusing or tormenting the dog or was  
13 directed towards a trespasser or other similar mitigating or extenuating  
14 circumstances.

15 [Ord. 517 § 3 (1986); Ord. 591 § 2 (1988); Ord. 732 § 3 (1992); Ord. 850, § 36  
16 (1996)]

17  
18 Section XXVII. AMENDMENT

19 MCC 8.10.271 is amended to as follows:

20 (A) Classification of a dog as a dangerous dog animal shall be based upon the  
21 dog engaging in any of the following behaviors:

22 (1) A dog, whether or not confined, causes the serious physical injury or  
23 death of any person; or

Multnomah County Animal Control Code

(2) A dog is used as a weapon in the commission of a crime ~~or.~~

~~(3) A dog classified as a Level 4 potentially dangerous dog that repeats the behavior described in MCC 8.10.270 (C) or (D) of this section after the owner or keeper receives notice of the Level 4 classification.~~

(B) Notwithstanding subsection (A) of this section, the director or hearings officer shall have discretionary authority to refrain from classifying a dog as a dangerous dog animal, even if the dog has engaged in the behaviors specified in subsection (A) of this section, if the director or hearings officer determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to human life or property.

(C) If a dog is classified under this section as a dangerous dog animal, and the owner requests to keep the dog, the director shall have discretion to order the dog not be euthanized provided the dog is placed in a certified dangerous animal facility as defined under this chapter.

(D) The director in making a determination under MCC 8.10.271(C) may consider any relevant evidence that addresses one or more of the following factors:

(1) Whether the dog constitutes an unreasonable risk to human life or property if housed in a dangerous dog facility; or

(2) Whether the dog has successfully completed the certified America Temperament Testing Society and/or Pet Partners as deemed appropriate ~~been through a certified obedience or other training program; or~~

1       ~~(3) (4) Whether the dog is a good candidate for obedience training based~~  
2       ~~upon the testimony of a certified animal trainer or behaviorist; or~~ The  
3       reasonable likelihood of no repeated behavior by the animal in violation of  
4       this chapter.

5       [Ord. 850, § 37 (1996)]

6  
7       Section XXVIII. AMENDMENT

8       MCC 8.10.275 is amended to as follows:

9       (A) The director shall have authority to determine whether any dog has engaged  
10      in the behaviors specified in MCC 8.10.270 or 8.10.271. This determination  
11      may be based upon an investigation that includes observation of and  
12      testimony about the dog's behavior, including the dog's upbringing and the  
13      owner's or keeper's control of the dog, and other relevant evidence as  
14      determined by the director. These observations and testimony can be  
15      provided by Multnomah County animal eControl eOfficers or by other  
16      witnesses who personally observed the behavior. They shall sign a written  
17      statement attesting to the observed behavior and agree to provide testimony  
18      regarding the dog's behavior if necessary.

19      (B) The director shall have the discretion to increase or decrease a classified  
20      dog's restrictions based upon relevant circumstances.

21      (C) The director shall give the dog's owner or keeper written notice by certified  
22      mail or personal service of the dog's specified behavior, of the dog's  
23      classification as a potentially dangerous dog or dangerous animal, of the fine

Multnomah County Animal Control Code

1 imposed, and of the restrictions applicable to that dog by reason of its  
2 classification. If the owner or keeper denies that the behavior in question  
3 occurred, the owner or keeper may appeal the director's decision to the  
4 hearings officer by filing a written request for a hearing with the director as  
5 provided under MCC 8.10.054.

6 (D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4  
7 potentially dangerous dog or dangerous animal pursuant to subsection (C) of  
8 this section, the owner or keeper shall comply with the restrictions specified in  
9 the notice unless reversed on appeal. Failure to comply with the specified  
10 restrictions shall be a violation of this chapter for which a fine can be  
11 imposed. Additionally, the director shall have authority to impound the dog  
12 pending completion of all appeals.

13 (E) If the director's decision or the hearings officer's decision finds that a dog has  
14 engaged in dangerous animal behavior, the dog shall be impounded pending  
15 the completion of a dangerous animal facility application or any appeals.

16 (F) Any dog classified as a Level 4, that is found to have repeated Level 4  
17 behavior as defined under this code shall be impounded pursuant to MCC  
18 8.10.192 if not already impounded. The dog shall not be released to the  
19 owner or be made available for adoption until either potential recipient of the  
20 dog has established arrangements for accommodating the animal consistent  
21 with all the security and safety requirements ordered by the director or the  
22 hearings officer.

[Ord. 517 § 3 (1986); Ord. 550 §§ 2, 3 (1987); Ord. 591 § 3 (1988); Ord. 732 §§  
3, 16 (1992); Ord. 850, § 38 (1996)]

Section XXIX. AMENDMENT

MCC 8.10.280 is amended to as follows:

In addition to the other requirements of MCC Chapter 8.10, the owner or keeper  
of a potentially dangerous dog shall comply with the following conditions:

(A) Dogs classified as Level 1 dogs shall be restrained in accordance with MCC  
8.10.010(B) by a physical device or structure, in a manner that prevents the  
dog from reaching any public sidewalk, or adjoining property and must be  
located so as not to interfere with the public's legal access to the owner's or  
keeper's premises, whenever that dog is outside the owner's or keeper's  
home and not on a leash.

(B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure  
whenever the dog is not on a leash. The secure enclosure must be located  
so as not to interfere with the public's legal access to the owner's or keeper's  
premises. In addition, the director may require the owner or keeper to obtain  
and maintain proof of public liability insurance. In addition, the owner or  
keeper may be required to complete a responsible pet ownership program as  
prescribed by the director or a hearings officer.

(C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure  
enclosure whenever the dog is not on a leash. The secure enclosure must be  
located so as not to interfere with the public's legal access to the owner's or

Multnomah County Animal Control Code

1 keeper's premises, and the owner or keeper shall post warning signs, which  
2 are provided by the director, on the premises where the dog is kept, in  
3 conformance with rules to be adopted by the director. In addition, the director  
4 may require the owner or keeper to obtain and maintain proof of public liability  
5 insurance. The owner or keeper shall not permit the dog to be off the owner's  
6 or keeper's premises unless the dog is muzzled and restrained by an  
7 adequate leash and under the control of a capable person. In addition, the  
8 director may require the owner or keeper to satisfactorily complete a pet  
9 ownership program.

10 (D) Dogs classified as a dangerous animal as described in MCC 8.10.271 shall  
11 be euthanized or placed in a dangerous animal facility as determined by the  
12 director or hearings officer. A dog classified as a dangerous animal shall be  
13 confined within a secure enclosure with a double security gate and shall meet  
14 the requirements in subsection (C) above. In addition, the director or  
15 hearings officer may suspend, for a period of time specified by the director or  
16 hearings officer, that dog owner's or keeper's right to be the owner or keeper  
17 of any dog in Multnomah County, including dogs currently owned by that  
18 person.

19 (E) All dogs classified as dangerous animals, and determined by the director or  
20 hearings officer to be euthanized shall be euthanized at any time not less  
21 than 20 days of the date of classification. Notification to the director of any  
22 appeal to the hearings officer as provided for in MCC 8.10.054(A) or to any  
23 court of competent jurisdiction shall delay destruction of the dog until a date

1 not less than 15 days after a final decision by the hearings officer or final  
2 judgment by the court.

3 (F) To insure correct identification, all dogs that have been classified as  
4 potentially dangerous or dangerous animals shall be marked with a  
5 permanent identifying mark, micro-chipped, photographed, ~~or~~ and may be  
6 fitted with a special tag or collar as determined by the director, at the owner's  
7 expense. The director shall adopt rules specifying the type of required  
8 identification.

9 (G) In addition to the normal licensing fees established by MCC 8.10.220(A)(2)  
10 and (2), there shall be an annual fee of \$50.00 for dogs classified at Level 1;  
11 and \$100.00 for dogs classified at Level 2 and 3 and; \$150.00 for dogs  
12 classified as Level 4; and \$300.00 for dogs classified as Dangerous Animal.

13 This additional fee shall be imposed at the time of classification of the  
14 potentially dangerous dog, and shall be payable within 30 days of notification  
15 by the director. Annual payment of this additional fee shall be due and  
16 payable within 30 days of notification by the director upon the anniversary  
17 date of the classification.

18 (H) The owner or keeper of a potentially dangerous dog or dogs classified as  
19 dangerous animals shall not permit the warning sign to be removed from the  
20 secure enclosure, and shall not permit the special tag or collar to be removed  
21 from the classified dog. The owner or keeper of a potentially dangerous dog  
22 or dogs classified as dangerous animals shall not permit the dog to be moved

1 to a new address or change owners or keepers without providing the director  
2 with ten days' prior written notification.

3 ~~(l) Declassification of potentially dangerous dogs or dogs classified as dangerous~~  
4 ~~animal. Any owner or keeper of a classified potentially dangerous dog or a~~  
5 ~~dog classified as a dangerous animal may apply to the director, in writing, to~~  
6 ~~have the restrictions reduced or removed.~~

7 ~~(1) The following conditions must be met:~~

8 ~~(a) Level 1 or Level 2 dogs have been classified for one year without~~  
9 ~~further incident, or and two years for Level 3 or and Level 4 dogs four~~  
10 ~~years for dogs classified as dangerous animals; and~~

11 ~~(b) (c) The owner or keeper provides the director with written certification~~  
12 ~~of satisfactory completion of obedience training for the dog classified,~~  
13 ~~with the owner or keeper; and There have been no violations of the~~  
14 ~~specified regulations; and~~

15 ~~(e) (f) Any other condition ordered by the director or hearings officer at the~~  
16 ~~time of classification.~~

17 ~~(1) The owner or keeper provides the director with written certification~~  
18 ~~of satisfactory completion of obedience training for the dog~~  
19 ~~classified, with the owner or keeper.~~

20 ~~(2) In addition, the director may require the dog owner or keeper to~~  
21 ~~provide written verification that the classified dog has been spayed~~  
22 ~~or neutered.~~



~~(3) Any reclassification request submitted under this section must include \$40.00 review fee.~~

~~(d) In addition, the director may require the dog owner or keeper to provide written verification that the classified dog has been spayed or neutered.~~

~~(e) Any reclassification request submitted under this subsection must include \$40.00 review fee.~~

~~(2) When the owner or keeper of a potentially dangerous dog meets all of the conditions in this subsection, the restrictions for Level 1 and Level 2 classified dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs classified as dangerous animals may be removed, with the exception of the secure enclosure.~~

[Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

Section XXX. AMENDMENT

MCC 8.10.285 is amended as follows:

**MCC 8.10.285 Declassification of potentially dangerous dog.**

Declassification of potentially dangerous dogs or dogs classified as a Dangerous Animal. A \$40.00 Declassification Fee will be assessed when the classification period begins. Declassification will be automatic pursuant to this section. Any person who observes or has evidence of behavior as described in MCC 8.10.270 or 8.10.271 shall forthwith notify the director.

(A) The following conditions must be met:

1 (1) Level 1 or Level 2 dogs have been classified for one year without further  
2 incident, and two years for Level 3 and Level 4 dogs; and

3 (2) There have been no violations of the specified regulations; and

4 (3) Any other condition ordered by the director or hearings officer at the time  
5 of classification.

6 (a) The owner or keeper provides the director with written certification of  
7 satisfactory completion of obedience training for the dog classified, with  
8 the owner or keeper.

9 (b) In addition, the director may require the dog owner or keeper to provide  
10 written verification that the classified dog has been spayed or neutered.

11 (B) When the owner or keeper of a potentially dangerous dog meets all of the  
12 conditions in this subsection, the restrictions for Level 1 and Level 2 classified  
13 dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs  
14 classified as dangerous animals may be removed, with the exception of the  
15 secure enclosure.

16 [Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

17  
18 Section XXXI AMENDMENT

19 MCC 8.10.900 is amended as follows:

20 (A) Violations of the provisions of this chapter shall be classified as provided  
21 below.

22 (1) Class A infractions. Violations of the following sections or subsections  
23 shall be Class A infractions:

Multnomah County Animal Control Code

- 1 (a) MCC 8.10.030;
- 2 (b) MCC 8.10.150;
- 3 (c) MCC 8.10.180;
- 4 (d) ~~(e) MCC 8.10.190(B)(3)~~ MCC 8.10.190(B)(7)(8);
- 5 (e) ~~(f)~~ MCC 8.10.190(B)(8)(9);
- 6 (f) ~~(g)~~ MCC 8.10.190(B)(9)(10);
- 7 (g) ~~(h)~~ MCC 8.10.190(B)(11)(12)
- 8 (h) MCC 8.10.190(B)(12);
- 9 (i) MCC 8.10.190(B)(13);
- 10 (j) MCC 8.10.192;
- 11 (k) MCC 8.10.200.

12 (2) Class B infractions: Violations of the following sections or subsections of  
13 this chapter shall be Class B infractions:

- 14 (a) MCC 8.10.045(A)(3)(4);
- 15 (b) MCC 8.10.155;
- 16 (c) MCC 8.10.190(B)(3)(4);
- 17 (d) MCC 8.10.190(B)(4)(5);
- 18 (e) MCC 8.10.190(B)(5)(6);
- 19 (f) MCC 8.10.190(B)(6)(7);
- 20 (g) MCC 8.10.190(B)(10)(11).

21 (3) Class C infractions. Infractions of the following sections or subsections of  
22 this chapter shall be Class C infractions:

- 23 (a) MCC 8.10.070;

**Multnomah County Animal Control Code**

- 1 (b) MCC 8.10.170;
- 2 (c) MCC 8.10.190(B)(1);
- 3 (d) MCC 8.10.190(B)(2);
- 4 (e) MCC 8.10.210.

5 (4) Except as provided under MCC 8.10.191 and 8.10.192, any other violation  
6 of this chapter not listed in this subsection shall be a Class A infraction.

7 (B) Fines:

8 (1) Class A infraction. A fine for Class A infraction shall be no less than  
9 \$100.00 nor more than \$500.00 for a first offense. The fine for a second  
10 Class A infraction committed within 12 months from the date that the first  
11 offense was committed shall be no less than \$200.00, nor more than  
12 \$500.00. The fine for a third Class A infraction committed within 12  
13 months from the date that the first offense was committed, the fine shall  
14 be not less than \$500.00.

15 (2) Class B infraction. A fine for Class B infraction shall be no less than  
16 \$50.00 nor more than \$250.00 for the first offense. If the violator  
17 committed either a Class A or B infraction within the 12-month period  
18 immediately prior to the date of the second infraction, the fine shall be no  
19 less than \$100.00 nor more than \$250.00. If the violator has committed  
20 two or more Class A or B infractions within the 12-month period  
21 immediately prior to the date of the most recent notice of infraction for a  
22 Class B infraction, the fine shall be \$250.00.

1 (3) Class C infractions. A fine for a Class C infraction shall be no less than  
2 \$30.00 nor greater than \$150.00 for a first offense. If the violator has  
3 committed a Class A, B, or C infractions within the 12-month period  
4 immediately prior to the date of the second infraction, the fine shall be no  
5 less than \$50.00 nor more than \$150.00. If the violator has committed two  
6 or more Class A, B, or C infractions within the 12-month period  
7 immediately prior to the date of the most recent notice of infraction for a  
8 Class C infraction, the fine shall be \$150.00.

9 (C) Additional conditions and restrictions. In addition to the monetary civil  
10 penalties imposed for infractions of this chapter, and the regulations  
11 applicable under MCC 8.10.280, the director and the hearings officer shall  
12 have authority to order additional restrictions and conditions upon the party in  
13 violation, including but not limited to:

14 (1) Require the owner or keeper and animal to satisfactorily complete an  
15 obedience program approved by the director or hearings officer at owner's  
16 or keeper's expense.

17 (2) Require the owner or keeper to attend a responsible pet ownership  
18 program adopted and/or approved by the director or hearings officer, at  
19 the owner's or keeper's expense;

20 (3) Require the owner or keeper of an animal that unreasonable causes  
21 annoyance, as described in MCC 8.10.190(B)(~~5~~)(6), to keep the animal  
22 inside the owner or keeper's residence during hours specified by the  
23 director or hearings officer;

(4) The director or hearings officer may suspend, for a period of time specified by the director or hearings officer, the animal owner's or keeper's right to own or keep any animal in Multnomah County.

(5) Require the owner or keeper to have the animal surgically sterilized within a time period determined by the director or hearings officer.

(6) Any other condition(s) that would reasonably abate the infraction.

(D) Late payment penalties. If a civil penalty is unpaid after 30 days, the fine then due shall be increased by 25 percent of the original amount; if the civil penalty is not paid after 60 days, the fine then due shall be increased by 50 percent of the original amount.

(E) At the discretion of the director, any civil penalty(ies) not paid within 30 days from the date of issuance of the notice of infraction may be assigned to a collections agency for collection.

[Ord. 156, § VIII(1) (1977); Ord. 732 § 19 (1992); Ord. 733, § 4 (1993); Ord. 823 § 5 (1995); Ord. 850, § 42 (1996)]

Section XXXII. AMENDMENT

MCC 8.10.940 is amended as follows:

A. Any person convicted of violation of MCC 8.10.200, shall be subject to a fine not to exceed \$500, and the court may order impoundment of any animal caused to be engaged in the prohibited conduct, which animal may be disposed of by the director.

Multnomah County Animal Control Code

1 B. Any person previously convicted under this section shall be subject to  
2 punishment by imprisonment for a term of not more than one year and a fine  
3 not to exceed \$1,000 or both.

4 [Ord 156 § VIII(5) (1977); Rpld. By Ord. 732 § 21 (1992)]  
5

6 Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1998  
7 being the date of its \_\_\_\_\_ reading before the Board of  
8 County Commissioners of Multnomah County, Oregon.

9 MULTNOMAH COUNTY, OREGON  
10

11 By \_\_\_\_\_  
12 Beverly Stein  
13 Multnomah County Chair  
14

15  
16 REVIEWED:

17 THOMAS SPONSER, COUNTY COUNSEL  
18 FOR MULTNOMAH COUNTY, OREGON  
19

20  
21 By   
22 Matthew O. Ryan, Assistant County Counsel

RE.:

Multnomah County Council  
May 20, 1998 letter

Commissioner

Tanya Collier Jan. 17, 1995 letter



EXECUTIVE COPY & PRINTING

623 Main Street • Oregon City, OR 97045  
Phone: (503) 655-9227 • Fax: (503) 657-4349

RECEIVED

JUN 3 1998

BEVERLY STEIN  
MULTNOMAH COUNTY CHAIR

## FAX TRANSMITTAL SHEET

**TO:**

Name: Mayor Vera Katz  
Company: Portland Mayor  
Fax Number: 823 - 3588  
Phone Number: \_\_\_\_\_

**FROM:**

Name: Tom Buchholz  
Phone Number: 109 10th St.  
Date: Oregon City Ore 97045 27 May 98  
No. of pages (including cover): 4

**Message:**

the Oregon State Senators And Representatives  
have done a fine balancing Act of owner and  
County rights in ORS. 167.345, 167.347, And 167.350

Multnomah County has yet to set these  
rights where they can be scrutinized.

We have had over a decade of  
Confusion.

Tanya Collier's Jan 17, 1995 letter states  
"Animal Control officers are always accompanied  
by Portland Police when an emergency rescue  
occurs."

In the past 5 years, how many Search  
Warrants has the Portland Police applied for  
on behalf of Multnomah County Animal Control?  
Pursuant to 167.345

Do you agree that this matter needs independent investigation?  
I wait your answer.

cc Governor Kitzhaber  
Commissioners Gary Hansen & Beverly Stein.

Signed

Tom Buchholz



TANYA COLLIER  
Multnomah County Commissioner  
District 3



1120 SW Fifth St, Suite 1500  
Portland, OR 97204  
(503) 248-5217

January 17, 1995

Tom Buccholz  
109 10th St.  
Oregon City, OR 97045

Dear Mr. Bucchoiz:

Thank you for taking the time to contact my office regarding your concerns with Animal Control. I have the information you requested. First, Animal Control keeps records of all their transactions with citizens, that includes emergency animal rescues. If you would like to get a copy of the record of your case, I am sure Mr. Flagler would make that available to you.

Second, a search warrant is not required for emergency animal rescues. The time it would take to get a search warrant could possibly mean death for the animal in question. The officers involved have the discretion to make the decision to intervene when they believe an animal is in danger. Animal Control officers are always accompanied by Portland Police when an emergency rescue occurs.

Finally, Animal Control is currently involved in a management study by a sub-committee of the Animal Control Advisory Council. The committee is looking at the Animal Control ordinance and the agency's policies and procedures. If you would like to have input, please feel free to write a letter outlining your concerns, and I will be sure they get addressed during the committee's discussions.

I am sorry you are not satisfied with the way your case was handled. It probably would have been best if you would filed an appeal three and half years ago when the original decision was made. So much time has passed now that your best recourse is to give input to the Advisory Council.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tanya Collier".

Tanya Collier  
Multnomah County Commissioner

cc: Dave Flagler, Director Animal Control



# OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSLER  
*County Counsel*

1120 S.W. FIFTH AVENUE, SUITE 1530  
PORTLAND, OREGON 97204-1977

FAX 248-3377  
(503) 248-3138

SANDRA N. DUFFY  
*Chief Assistant*

May 20, 1998

SUSAN DUNAWAY  
KATIE GAETJENS  
GERALD H. ITKIN  
JEFFREY B. LITWAK  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
AGNES SOWLE  
JOHN S. THOMAS  
JACQUELINE A. WEBER  
*Assistant*

Thomas Bucholz  
109 10<sup>th</sup> Street  
Oregon City, Oregon 97045

RE: RECENT CORRESPONDENCE TO SHERIFF AND DISTRICT ATTORNEY

Dear Mr. Bucholz:

In recent letters to the above named County officials you raise concerns regarding Multnomah County Animal Control's (MCAC) emergency rescue procedures. Having reviewed some of the correspondence sent to you by MCAC and the District Attorney (D.A.) over the past couple of years, both MCAC and the D.A. have correctly explained to you how the emergency rescue provisions are enforced.

As you are aware, ORS 167.345(1) allows a peace officer to enter "premises" without a warrant in exigent circumstances to aid an animal. ORS 167.345(2) allows impoundment of the animal upon the peace officer obtaining a search warrant. Premises unless otherwise defined, normally means real property, and I would conclude that is the intended meaning in ORS 167.345.

MCC 8.10.150 on the other hand, applies to emergency situation wherein the animal is confined within a motor vehicle. I am sure you would agree that an animal confined within a vehicle without adequate water or ventilation can present a situation of greater urgency than an animal left unattended in a home or yard. Accordingly, MCC 8.10.150 and ORS 167.345 are not in conflict, because the code and the statute are directed toward different circumstances.

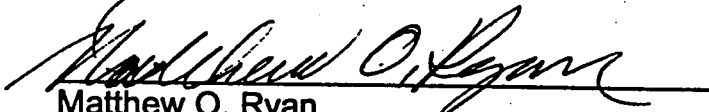
I can assure you that if there was any confusion in the past regarding MCAC officers' authority in emergency rescues, the officers are now clear on their role. The ORS 167.345 rescue would be done by a peace officer with the MCAC officer assisting, and a warrant, if necessary would be obtained. A vehicle rescue under MCC 8.10.150 if necessary, could be done without a warrant. To some extent, your input on this issue has helped MCAC clarify its role in handling emergency rescues. The County thanks you for your

vigilance on this matter. Nonetheless, both the MCAC Director and the D.A. have previously explained to you the emergency rescue procedures addressed yet again in this letter. I frankly do not feel any additional correspondence is warranted at this time.

The County considers the matter closed. In the absence of any new allegations regarding wrongful MCAC enforcement procedures in this area, the County sees no need to pursue any further review. Please be advised Mr. Bucholz, that unless you provide such new information; any future correspondence by you to the County on this issue may not generate a response.

Sincerely,

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON



Matthew O. Ryan  
Assistant County Counsel

Cc: Beverly Stein  
Dan Noelle  
Hank Miggins  
Fred Lenzer

# LAST TRANSACTION REPORT FOR HP FAX-700 SERIES

VERSION: 01.03

FAX NAME: ECP  
FAX NUMBER: 503 657 4349

DATE: 27-MAY-98  
TIME: 12:50

DATE	TIME	REMOTE FAX NAME AND NUMBER	DURATION	PG	RESULT	DIAGNOSTIC
27-MAY	12:50 S	503 823 3588	0:02:05	4	OK	563340100188

S=FAX SENT  
I=POLL IN(FAX RECEIVED)  
O=POLLED OUT(FAX SENT)

TO PRINT THIS REPORT AUTOMATICALLY, SELECT AUTOMATIC REPORTS IN THE SETTINGS MENU.  
TO PRINT MANUALLY, PRESS THE REPORT/SPACE BUTTON, THEN PRESS ENTER.

# memorandum

**Date:** June 10, 1998  
**To:** BOARD OF County Commissioners  
**From:** Henry C. Miggins, Director of Animal Control  
**RE:** Multnomah County Animal Control Code 8.10

---



First reading continued from May 21, 1998.

## Background/Analysis

Issues were raised during the public testimony that needed additional review and examination. We have received additional input from interested parties in the intervening period and offer the following comments and/or recommendations.

**I. Concern:** 810.010(G)(1) The name cited in the ordinance to include Cougars as a feline from the order genera pantheria was questioned.

## Recommendation

This issue is addressed in the attached amendment. The matter was researched and the amendment is brought forward with the assistance of the Metro Zoo.

**II. Concern:** 810.060(C) Requires owner of wolf-hybrid to agree to release any animal that has bitten a person, or that has been exposed to a rabid animal, to Animal Control for euthanization.

## Staff Comments

The Oregon Department of Agriculture advised, on Nov 18, 199<sup>7</sup>, that, "In case of a human bite, the Public Health Veterinarian in the Oregon Health Division Acute and Communicable Diseases Section, under authority of the Compendium of Animal Rabies Control, considers wolf-hybrides in the category of wild animals. This generally means that an animal who bites a human is euthanized and the brain is examined for rabies-regardless of a history of rabies vaccination."

**III. Concern: 810.140(C)(3)** Proof of liability insurance, minimum \$50,000, or bond for \$5,000 covering the animal:

**Recommendation**

The requirement for insurance deleted because we found that such insurance is unreasonably expensive and often not readily available.

**IV. Concern: 8.10.140(C)** Will the facility license requirement remain in affect for those pet owner who are granted exemption to keep exotic animals after this ordinance is effective?

**Staff Comments**

There will be no need to require facility licenses for those pet owners because Multnomah County Animal Control Division will not be responsible for the inspection or monitoring of exotic animals. The Oregon Department of Agriculture has responsibility for the management of those exotic animals permitted in this County.

*Routine  
Inspection*

**V. Concern:** One citizen voiced some concern about the changes proposed for the potentially dangerous dog classification level 4 and the requirement to keep dogs so classified in an adequate facility. This citizen was to provide us with a statement to further explain his concerns.

**Staff Comments**

We did not receive any additional comments on this matter; therefore, we are unable to response to that concern.

**VI. Concern:** There were general concerns voiced relating to due process:

- **8.10.040(D)(1); 8.10.110(C); 8.10.140(D) and (E)(3)** These concerns were about the authority of the Director as it relates to issuing licenses, granting approval, and evaluating petitions for exemption and the revocation of permits.
- **8.10.040(E)(4)** One citizen questions whether a veterinarian should approve the Director's decision to euthanize unlicensed and feral animals, or any unhealthy or injured animal.
- **8.10.080(D)** One citizen expressed a need to specify the hours that Animal Control could inspect the premises where animals are kept.

memorandum

**Staff Comments**

These are operational matters and may be imposed by the Board of County Commissioners by resolution at such time as it sees fit. It is necessary for the Director to manage the Division and these are not new requirements or conditions governing other animals. The concerns addressed in this proposed Ordinance are, for the most part, dealing with exotic animals.

With regards to the inspection of facilities, all inspections are conducted when the inspecting officer is able to make contact with the owner/keeper.

**VII.** We have been asked to draft an amendment to the proposed ordinance to address constrictor snakes. See attached amendment.

The following are proposed Amendments to the pending Multnomah  
County Animal Control Code Revision Ordinance:

1) MCC 8.10.010(G)(1) be amended as follows:

- (1) Any large felid from the genus Panthera, including: lion, *P. leo*; tiger, *P. tigris*; jaguar, *P. onca*; leopard, *P. pardus*; and snow leopard, *Uncia uncia*; as well as the puma (cougar or mountain lion), *Puma concolor*; clouded leopard, *Neofelis nebulosa*; and cheetah, *Acinonyx jubatus*.

2) MCC 8.10.010(G)(6) be amended as follows:

- (6) Any reptile of the order Crocodilia (crocodiles, alligators and caimans), or any snake of the family Pythonidae or Boinae over ten (10) feet in length.

3) MCC 8.10.140(B) (1) be amended as follows:

Any facility accredited by the Association of Zoos and Aquariums (AZA).

4) MCC 8.10.140(C) be amended as follows:

- (C) ~~A license issued under this section shall be subject to revocation by the director under MCC 8.10.120.~~ Any person, not otherwise exempted, in possession of an exotic animal prior to and upon the date this ordinance takes effect shall be eligible to request an Exemption Permit from Compliance with MCC 8.10.190(B)(14) by submitting a written petition to the director. The petition must address each of the following elements:

~~5) MCC 8.10.140(C)(3) be deleted.~~



Page 34  
at line 11

~~6)~~ MCC 8.10.140 (D) be amended as follows:

The director shall evaluate whether any petition submitted under subsection (E) herein merits the exotic animal to be maintained at the facility for the duration of the animal's life. Said determination shall be based on the comparison of the risk to public health and safety by specific animal remaining in the facility and petitioner's response to the three factors addressed in the petition.

Page 34  
at line 17

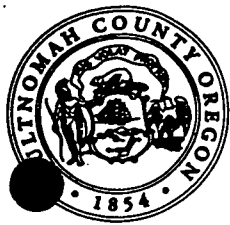
~~7)~~ MCC 8.10.140(E) be amended as follows:

Any Exemption Permit issued under this section shall only be available to the original permit holder, and shall be non-assignable and nontransferable. An exemption permit shall be subject to annul renewal and routine periodic inspection of the facility. Inspection of the facility wherein the animal is kept shall be for the purposes of evaluating the adequacy of the facility to protect the public from the animal as well as for the care and treatment of the animal. The Exemption Permit shall:

- (1) Terminate upon death of the animal;
- (2) Terminate upon the death of the petitioner;
- (3) Terminate upon the relocation of the petitioner or the animal to an address or site outside the boundaries of Multnomah County.
- (4) Shall be subject to revocation and the animal shall be subject to immediate impoundment upon any notice of infraction being issued to the permit holder;
- (5) Provide that upon termination of the permit for any reason, and if the animal has not been otherwise disposed of at such time, that the permit holder, or his or her heirs or successors in interest shall either:

(a) Immediately release the animal to impound by the Animal Control Division, or

(b) Immediately transfer the animal to lawfully exempted agency as provided in subsection (D) herein, that has agreed in writing to accept the animal, proof of which shall be provided to the Animal Control Division prior to the transfer.



# OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER  
*County Counsel*

1120 S.W. FIFTH AVENUE, SUITE 1530  
PORTLAND, OREGON 97204-1977

FAX 248-3377  
(503) 248-3138

SANDRA N. DUFFY  
*Chief Assistant*

May 20, 1998

SUSAN DUNAWAY  
KATIE GAETJENS  
GERALD H. ITKIN  
JEFFREY B. LITWAK  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
AGNES SOWLE  
JOHN S. THOMAS  
JACQUELINE A. WEBER  
*Assistants*

Thomas Bucholz  
109 10<sup>th</sup> Street  
Oregon City, Oregon 97045

RE: RECENT CORRESPONDENCE TO SHERIFF AND DISTRICT ATTORNEY

Dear Mr. Bucholz:

In recent letters to the above named County officials you raise concerns regarding Multnomah County Animal Control's (MCAC) emergency rescue procedures. Having reviewed some of the correspondence sent to you by MCAC and the District Attorney (D.A.) over the past couple of years, both MCAC and the D.A. have correctly explained to you how the emergency rescue provisions are enforced.

As you are aware, ORS 167.345(1) allows a peace officer to enter "premises" without a warrant in exigent circumstances to aid an animal. ORS 167.345(2) allows impoundment of the animal upon the peace officer obtaining a search warrant. Premises unless otherwise defined, normally means real property, and I would conclude that is the intended meaning in ORS 167.345.

MCC 8.10.150 on the other hand, applies to emergency situation wherein the animal is confined within a motor vehicle. I am sure you would agree that an animal confined within a vehicle without adequate water or ventilation can present a situation of greater urgency than an animal left unattended in a home or yard. Accordingly, MCC 8.10.150 and ORS 167.345 are not in conflict, because the code and the statute are directed toward different circumstances.

I can assure you that if there was any confusion in the past regarding MCAC officers' authority in emergency rescues, the officers are now clear on their role. The ORS 167.345 rescue would be done by a peace officer with the MCAC officer assisting, and a warrant, if necessary would be obtained. A vehicle rescue under MCC 8.10.150 if necessary, could be done without a warrant. To some extent, your input on this issue has helped MCAC clarify its role in handling emergency rescues. The County thanks you for your

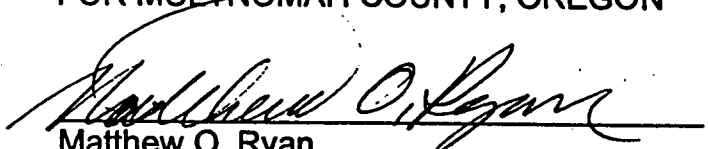
Thomas Bucholz  
May 20, 1998  
Page 2

vigilance on this matter. Nonetheless, both the MCAC Director and the D.A. have previously explained to you the emergency rescue procedures addressed yet again in this letter. I frankly do not feel any additional correspondence is warranted at this time.

The County considers the matter closed. In the absence of any new allegations regarding wrongful MCAC enforcement procedures in this area, the County sees no need to pursue any further review. Please be advised Mr. Bucholz, that unless you provide such new information; any future correspondence by you to the County on this issue may not generate a response.

Sincerely,

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON



Matthew O. Ryan  
Assistant County Counsel

Cc: Beverly Stein  
Dan Noelle  
Hank Miggins  
Fred Lenzer

H:\Data\Advisory\Ryan\Bucholz.ltr.doc

DATE: 11 June 1998

TO: Henry Miggins, Director, Multnomah County Animal Control  
Beverly Stein, Chair, Multnomah County Board of Commissioners  
Gary Hansen, Commissioner District 2  
Sharron Kelley, Commissioner District 4

RE: Animal Control Code Ordinance, 2nd Reading, 11 June 1998

My name is Janice Hixson. I have worked at the Metro Washington Park Zoo for 23 years. I am the Animal Management Division Animal Information Specialist. I am responsible for records for the entire animal collection; do all state, federal, international, CDC, export/import and any other needed permits; stay current on federal, state, and international animal regulations; and for years have used the professional Zoo and AZA resources, the keeper, curatorial and veterinary staff expertise to research the needs of exotic animals in order to share that information with the public. Every year I talk with 1,000-1,500 people about exotic animal issues. Over the years I have spent hundreds of hours of my own time preparing information on exotic animal needs for people who have obtained these species but discover they need more and better information to provide the best care for the animals. I have been a Zoo contact and resource for many years for not only the public but State and Federal Wildlife Agencies, State and Federal Departments of Agriculture, various humane societies, rehab people, the Oregon State Police. But I am not a Zoo public relations person, as was erroneously stated during the May 21st hearing.

I support the changes in the Multnomah County Animal Control Code regarding dangerous animals. Many individuals are enamored of owning something exotic and different, yet the testimony you hear from them is almost exclusively about their property rights, not animal welfare or public and animal safety. In response to the various claims made regarding exotics, I offer the following information. This is brief, out of necessity. There are volumes of professional information available to substantiate the concerns of animal control staff, wildlife and public health agencies, zoo staff, and the general public.

Large cats: cougars are considered large predators by professional zoo and felid experts, as well as wildlife agents. It takes thousands of years to domesticate a species, which has been done with the domestic cat and dog. Hand-feeding and raising an animal does not make it domestic. It is still an exotic, wild animal whose natural instincts can surface at any time, triggered by something beyond the control of the owner. The cougar is commonly known as *Felis concolor*, and more recent taxonomic use is genus and species *Puma concolor*, but both the genus *Felis* and *Puma* will be seen in literature. The cougar is designated as a "big game animal" by the Oregon Department of Fish and Wildlife, and eats other "big game animals" for its primary diet. I am submitting documentation of the taxonomic name of the cougar plus additional natural history information from professional references: Mammal Species of the World by Wilson and Reeder (a taxonomic standard) and a Mammalian Species technical paper, published by the American Society of Mammalogist, another widely used reference.

Primates, like the cats, are not domestic. The argument that old world monkeys present a greater risk than new world, and that smaller new world monkeys are not a health or safety risk, is not supported by the facts. To quote the Zoo's veterinarian Dr. Finnegan, "Size has nothing to do with the disease risk in primates." Neither does old world versus new world species. They both create numerous bacterial, viral, and parasitic health risks. Dr. Finnegan notes that new world primates get TB, which is a concern of health officials nation-wide. Dr. Finnegan also

11 June 1998

Multnomah County Animal Control Code

explains that primates are a particular risk because you cannot definitively test up front for and rule out many of the zoonotic diseases. Documentation of primate diseases is included.

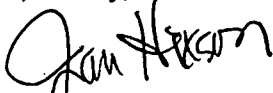
Large snakes: Although large snakes probably do not need to be prohibited, it would be good for public safety and the well-being of the snakes if they were required to be kept in appropriate, humane, and secure housing, which would prohibit carrying large snakes out in public draped on your person. The Seattle Zoo reptile staff states that snakes over ten feet in length are tremendously strong and should be considered hazardous. The Zoo and other professional reptile organizations recommend two people be present for handling any snake 8 feet or longer. The well-known Chicago Herpetological Society states "Don't take uncaged, unbagged, or unrestrained animals out in public places. Such practices can cause stress to the animal from fright and uncontrolled temperatures. Watch for temperature extremes. Never leave animals in a car."

Venomous snakes: Ownership of venomous snakes is widely spread, among private owners and pet shops. The Viparidae snakes (vipers and rattlers) have venom that destroys animal tissue; the Elapidae (coral, crabs, cobras) have neurotoxic toxins which destroy the nervous system; the Hydrophiidae (sea snakes) have a very potent neurotoxin. The rear-fanged Colubrids (mangrove snakes, bird snakes, brown tree snakes, tropical tree/vine snakes) are also venomous. This does not include the entire Colubrid group, many of which are safe and of an appropriate size for private ownership. Safety procedures would require maintaining current treatment information, an up-to-date supply of antivenin (some are not possible to obtain), and signs on doors with instructions regarding procedures, medical contacts, types of antivenin required for each species, etc. Of course, the snake enclosures and the room would require locks and other security measures to be followed at all times. Again, if the commission needs professional references to support these concerns, they can be easily provided.

There are also many claims that private breeders are doing a lot for the conservation of the endangered species of cats. In fact, that is another claim that would be impossible to substantiate. The professional zoo community and other organizations involved in serious breeding conservation programs cannot risk including these privately owned animals because of the probability that they are inbred and/or hybrid. The inbred and hybrid animals would destroy the genetic value of a serious breeding program.

I request that as elected officials, you read the materials submitted to you on these matters, although they may be lengthy. These exotic animal situations are not going to go away. I appreciate the opportunity to submit testimony and information. Please review the Zoo Curator's letter submitted earlier and dated 31 October 1997, in which he covers many of the issues brought up in these hearings.

Respectfully,



Janice Hixson  
Animal Information Specialist  
Metro Washington Park Zoo



Michelle R. Schireman  
14635 SW Quail Lane N303  
Beaverton, Oregon 97007

AMERICAN ZOO AND  
AQUARIUM ASSOCIATION  
June 10, 1998

Executive Office and  
Conservation Center  
7970-D Old Georgetown Rd.  
Bethesda, Maryland 20814  
Tel: 301-907-7777  
Fax: 301-907-2980  
<http://www.aza.org>

Mr. Henry Miggins  
Multnomah County Animal Control

Dear Mr. Miggins:

It has been brought to my attention that I may be of some assistance to you in matters concerning the captive husbandry of cougar, *Puma concolor*. As the Regional Studbook Keeper (including North, South and Central American facilities) for this species for the American Zoo and Aquarium Association I would like to pass on some information that may clarify some points for you.

In the past cougar have been classified by some as 'small cats' due to their placement in the genus *Felis*. They are presently classified under the genus *Puma*. Regardless of the scientific nomenclature used, the animal remains the same. The cougar is a large predator with space requirements and security issues that must be met. When the Felid Taxon Advisory Group (Felid specialists for the A.Z.A.) gather for our annual working meeting we spend a great deal of time producing a document which allocates future available felid exhibit space. While creating this document the representatives are split into two working groups: the small cat and the large cat groups. *Puma concolor* are always represented in the large cat group, due in part to their size and danger potential.

As a zoologist, zookeeper and animal trainer with some 15 years of felid experience I believe cougar should be managed as large cats. When creating spaces for these animals we must keep in mind the animals' physical strength and size, as well as their natural instincts and needs.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,

Michelle R. Schireman  
Puma Regional Studbook Keeper

Enclosure: 1

cc: Multnomah County Board of Commissioners:

Ms. Beverly Stein, Chair

Mr. Gary Hansen, Commission Dist.2

Ms. Sharron Kelley, Commission Dist.4



# LARGE FELIDS

Alan H. Shoemaker (1), Edward J. Maruska (2), Randall Rockwell (3)

(1) Riverbanks Zoological Park and Botanical Garden, P.O.Box 1060, Columbia, SC 29202

(2) Cincinnati Zoo and Botanical Garden, 3400 Vine Street, Cincinnati, OH 45220

(3) Jacksonville Zoological Gardens, 8605 Zoo Parkway, Jacksonville, FL 32218

## GENERAL INTRODUCTION

Within the family Felidae, determination of minimum husbandry needs of large cats is variable because of differences in size, morphology, and behavior. For purposes of this discussion, a large felid is identified as any species of cat belonging to the genus *Panthera*, including: lion, *P. leo*; tiger, *P. tigris*; jaguar, *P. onca*; leopard, *P. pardus*; and snow leopard, *Uncia uncia*; as well as the puma (cougar or mountain lion), *Puma concolor*; clouded leopard, *Neofelis nebulosa*; and cheetah, *Acinonyx jubatus*.

With one exception, large felids are solitary carnivores functioning at or near the top of their trophic level. While this behavior permits them to be housed singly, it also requires that the introduction of potential mates be done carefully to prevent fighting, injury, or death. Their aggressive nature and physical capabilities demand that owners exercise the utmost care when designing cages or exhibits for any species, regardless of size, to ensure that specimens cannot escape or reach into adjacent cages or public areas. Caution also should be exercised when handling otherwise "tame" individuals.

Minimum requirements for exhibit size and furnishings, diet, veterinary needs, and social groupings are broken down in the following way: 1) very large pantherids, 2) other large felids, and 3) cheetahs.

## GENERAL HUSBANDRY

Some aspects of captive management for all large felids are similar and are discussed below. Requirements unique to certain groups are listed separately.

**Temperature** - Although large felids may originate from all manner of climates, most are tolerant of wide temperature extremes, at least during daylight hours. Animals kept outside should always have access to shade, especially during warmer months of the year. When acclimated, most species without young require only minimal unheated shelter at night. Clouded leopards are more cold sensitive than the other species and should be protected from minimum extremes in weather. When kept indoors year round, animals should be protected from temperatures above 85 degrees F (28 degrees C).

**Lighting** - In nature, most species of large felids are nocturnal and, therefore, less active during daylight hours. Accordingly, they all do well under normal light cycles although shy or secretive specimens will thrive with less exposure. Smaller species may be exhibited under reversed light cycles without harm.

**Ventilation and Humidity** - Indoor exhibits should have a negative air pressure of 10-15 air changes per hour of non-recirculated air. Relative humidity should be within the range of 30-70 percent. Separate ventilation systems should be maintained between exhibit and visitor areas to reduce the potential of disease transmission from the public as well as complaints about odor. If possible, separate systems also should be maintained for individual exhibits.



necessitate keeping adults of either sex separate from each other except during pairing to stimulate reproduction.

**Exhibit Size** - Cheetahs do best in spacious outdoor areas surrounded by fence or moated barriers. If kept in caged conditions, minimum dimensions should equal at least 200 sq ft (18.6 sq m). Because they lack sharp, retractable claws, cheetahs climb poorly but benefit from elevated wooden platforms or ledges for sleeping and resting.

**Remarks** - Cheetahs are relatively easy to keep in captivity but remain the most difficult large felid to propagate consistently. With the exception of the Pretoria Zoological Garden's breeding facility at De Wildt Breeding and Research Center, this species is not self-sustaining in captivity (Marker, 1977). Although consistent husbandry techniques have not been identified to date, many owners experiencing successful reproduction keep female(s) separate from males except when they are in estrus. Young may be raised naturally or by hand although breeders were primarily mother reared.

Cheetahs suffer from unusually high incidences of liver disease and research is presently (1988) seeking solutions to this aspect of their husbandry. Other investigations of their physiology seem to suggest that dietary idiosyncrasies play a more important role in the cheetah's fecundity than for other large felids, and managers should stay abreast of new developments.

#### LITERATURE CITED

Hall, E. Raymond 1981.

The Mammals of North America. 2:1027-1043. John Wiley & Sons, NY.

Kingdon, Jonathon 1977.

East African Mammals: An Atlas of Evolution in Africa. III(A):348-365. Academic Press, London.

Marker, Laurie 1987.

1986 North American Regional Cheetah Studbook. IV:1-90. Wildlife Safari, Winston, OR.

Nowak, Ronald M. and John L. Paradiso 1983.

Walker's Mammals of the World, 4th Edition. 2:1081-1094. The Johns Hopkins University Press, Baltimore.

Seifert, Siegfried and Peter Muller 1987.

International Tiger Studbook 1986. Zoologischer Garten Leipzig, Leipzig. 101 pp.

# FAX Metro Washington Park Zoo, Portland, Oregon USA

To: Matt Ryan, Assistant County  
Council  
Multnomah County

Phone: 248-3138  
FAX: 248-3377

Date: 9 June 1998

From: Jan Hixson, Animal Registrar  
Metro Washington Park Zoo  
4001 SW Canyon Road  
Portland, Oregon USA

Phone: (503) 220-5766  
FAX: (503) 226-0074

Total pages: 8

Dear Matt,

Sorry it is getting later in the afternoon. I'm faxing information from AZA, as we discussed, plus a couple of other references.

One reference is Mammal Species of the World, edited by Wilson and Reeder. This is a professional standard, referenced by AZA facilities as well as universities and wildlife agencies, etc. The text is a little confusing, but does attest to the fact that puma or cougar are known as genus Felis and Puma. Puma being now the most current usage. But in the recent past, and for several years, it has been Felis. Taxonomy changes like fashion sometimes. Strict taxonomists will accuse you of being incorrect in your usage, but will not deny that Felis has been in use recently and in the past.

Another reference is Mammalian Species, also a long-time standard for mammals. The copy I'm sending is dated 1983, so it uses Felis as the genus. It also lists 30 subspecies of cougar or mountain lion on the first page, and 11 other genus-species used for species differentiated, usually, by location.

*Another taxonomy reference at the bottom of 2nd page -> 3rd.*

Another source that would document that cougar/puma are large cats is the Oregon Department of Fish and Wildlife. Cougar are officially categorized as "big game mammals," and eat other "big game mammals" such as deer. Not to mention that they are capable of attacking and killing humans, although instances of this have been rare through the years.

I may have to send the snake stuff tomorrow. Call if you need anything else we might be able to help with!

Sincerely,

*Jan Hixson*

Janice Hixson  
Animal Registrar

## LARGE FELIDS

Alan H. Shoemaker (1), Edward J. Maruska (2), Randall Rockwell (3)

(1) Riverbanks Zoological Park and Botanical Garden, P.O.Box 1060, Columbia, SC 29202

(2) Cincinnati Zoo and Botanical Garden, 3400 Vine Street, Cincinnati, OH 45220

(3) Jacksonville Zoological Gardens, 8605 Zoo Parkway, Jacksonville, FL 32218

### GENERAL INTRODUCTION

Within the family Felidae, determination of minimum husbandry needs of large cats is variable because of differences in size, morphology, and behavior. For purposes of this discussion, a large felid is identified as any species of cat belonging to the genus *Panthera*, including: lion, *P. leo*; tiger, *P. tigris*; jaguar, *P. onca*; leopard, *P. pardus*; and snow leopard, *Uncia uncia*; as well as the puma (cougar or mountain lion), *Puma concolor*; clouded leopard, *Neofelis nebulosa*; and cheetah, *Acinonyx jubatus*.

With one exception, large felids are solitary carnivores functioning at or near the top of their trophic level. While this behavior permits them to be housed singly, it also requires that the introduction of potential mates be done carefully to prevent fighting, injury, or death. Their aggressive nature and physical capabilities demand that owners exercise the utmost care when designing cages or exhibits for any species, regardless of size, to ensure that specimens cannot escape or reach into adjacent cages or public areas. Caution also should be exercised when handling otherwise "tame" individuals.

Minimum requirements for exhibit size and furnishings, diet, veterinary needs, and social groupings are broken down in the following way: 1) very large pantherids, 2) other large felids, and 3) cheetahs.

### GENERAL HUSBANDRY

Some aspects of captive management for all large felids are similar and are discussed below. Requirements unique to certain groups are listed separately.

**Temperature** - Although large felids may originate from all manner of climates, most are tolerant of wide temperature extremes, at least during daylight hours. Animals kept outside should always have access to shade, especially during warmer months of the year. When acclimated, most species without young require only minimal unheated shelter at night. Clouded leopards are more cold sensitive than the other species and should be protected from minimum extremes in weather. When kept indoors year round, animals should be protected from temperatures above 85 degrees F (28 degrees C).

**Lighting** - In nature, most species of large felids are nocturnal and, therefore, less active during daylight hours. Accordingly, they all do well under normal light cycles although shy or secretive specimens will thrive with less exposure. Smaller species may be exhibited under reversed light cycles without harm.

**Ventilation and Humidity** - Indoor exhibits should have a negative air pressure of 10-15 air changes per hour of non-recirculated air. Relative humidity should be within the range of 30-70 percent. Separate ventilation systems should be maintained between exhibit and visitor areas to reduce the potential of disease transmission from the public as well as complaints about odor. If possible, separate systems also should be maintained for individual exhibits.

# MAMMAL SPECIES OF A TAXONOMIC AND THE GEOGRAPHIC REFERENCE WORLD

SECOND EDITION



Edited by Don E. Wilson  
and DeeAnn M. Reeder

Smithsonian Institution Press • Washington and London  
in association with the American Society of Mammalogists

3

*Prionailurus rubiginosus* (L. Geoffroy Saint-Hilaire, 1831). In Bélanger (ed.), Voy. Indes Orient., Mamm., 3(Zoologie):140.

TYPE LOCALITY: "bois de lataniers qui couvrent une hauteur voisine de Pondichéry" [India, Pondicherry].

DISTRIBUTION: India and Sri Lanka (see Chakraborty, 1978).

STATUS: CITES - Appendix I (Indian population), otherwise Appendix II; IUCN - Insufficiently known.

SYNONYMS: *koladivinus* Deraniyagala, 1956; *phillipsi* Pocock, 1939.

COMMENTS: Placed in *Prionailurus* by Weigel (1961), Hemmer (1978), Kratochvíl (1982c), and Groves (1982a).

*Prionailurus viverrinus* (Bennett, 1833). Proc. Zool. Soc. Lond., 1833:68.

TYPE LOCALITY: "from the continent of India".

DISTRIBUTION: Bangladesh, Burma, S China, India, Indonesia, Malaysia, Nepal, Pakistan, Sri Lanka, Taiwan, Thailand, and Vietnam.

STATUS: CITES - Appendix II.

SYNONYMS: *bennettii* Gray, 1867; *himalayanus* Jardine, 1834; *rizophoreus* Sody, 1936; *viverriceps* Hodgson, 1836.

COMMENTS: Placed in *Prionailurus* by Weigel (1961), Hemmer (1978), Kratochvíl (1982c), and Groves (1982a).

*Profelis* Severtzov, 1858. Revue Mag. Zool. Paris, ser. 2, 10:386.

TYPE SPECIES: *Felis celidogaster* Temminck, 1827 (= *Felis aurata* Temminck, 1827), by monotypy.

*Profelis aurata* (Temminck, 1827). Monogr. Mamm., 1:120.

TYPE LOCALITY: "Nous ne savons pas au juste dans quelle partie du globe a été trouvé"; fixed by Van Mensch and Van Bree (1969) to "probably the coastal region of Lower Guinea (Between Cross River and River Congo...).".

DISTRIBUTION: N Angola, Burundi, Cameroon, Central African Republic, Gabon, Gambia, Ghana, Kenya, Liberia, Nigeria, Rwanda, Sierra Leone, Uganda, S Zaire.

STATUS: CITES - Appendix II.

SYNONYMS: *celidogaster* Temminck, 1827; *chalybeata* H[amilton]. Smith, 1827; *chrysothrix* Temminck, 1827; *cottoni* Lydekker, 1906; *maka* Van Saceghem, 1942; *neglecta* Gray, 1838; *utilus* Waterhouse, 1843.

COMMENTS: Revised by Van Mensch and Van Bree (1969). Placed in *Profelis* by Pocock (1917), Weigel (1961), Hemmer (1978), Kratochvíl (1982c), and Groves (1982a). Král and Zima (1980) placed in *Felis*.

*Puma* Jardine, 1834. Natur. Libr., 2:266.

TYPE SPECIES: *Felis concolor* Jardine, 1834, by original designation.

*Puma concolor* (Linnaeus, 1771). Mantissa Plantarum, 2:522.

TYPE LOCALITY: "Brassilia", restricted by Goldman (in Young and Goldman, 1946:200); to "Cayenne region, French Guiana".

DISTRIBUTION: Argentina, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Guatemala, Guyana, Mexico, Nicaragua, Panama, Paraguay, Peru, Surinam, USA, Venezuela.

STATUS: CITES - Appendix I as *F. c. coryi*, *F. c. costaricensis*, and *F. c. cougar*; otherwise Appendix II. U.S. ESA - Endangered as *F. c. coryi*, *F. c. costaricensis*, and *F. c. cougar*. IUCN - Endangered as *F. c. coryi* and *F. c. cougar*.

SYNONYMS: *acrocodia* Goldman, 1943; *anthonyi* Nelson and Goldman, 1931; *araucanus* Osgood, 1943; *arundivaga* Hollister, 1911; *aztecus* Merriam, 1901; *bangsi* Merriam, 1901; *borbensis* Nelson and Goldman, 1933; *browni* Merriam, 1903; *cabrerae* Pocock, 1940; *californica* May, 1896; *capricornensis* Goldman and Young, 1946; *coryi* Bangs, 1899; *costaricensis* Merriam, 1901; *cougar* Kerr, 1792; *floridana* Cory, 1896; *greeni* Nelson and Goldman, 1931; *hippolestes* Merriam, 1897; *hudsoni* Cabrera, 1957; *improcera* Philipps, 1912; *incarum* Nelson and Goldman, 1929; *kaibabensis* Nelson and Goldman, 1931; *mayensis* Nelson and Goldman, 1929; *missoulensis* Goldman, 1943; *nigra* Jardine, 1834; *olympus* Merriam, 1897; *oregonensis* Rafinesque, 1832; *osgoodi* Nelson and Goldman, 1943; *patagonica* Merriam, 1901; *pearsoni* Thomas, 1901; *puma*

M  
18  
vancou  
1936.

COMMENTS: I  
in Pun

Subfamily Pant  
COMMENTS:  
subfar

*Neofelis* Gray, 18  
TYPE SPECIES  
design  
COMMENTS:  
Neofe

*Neofelis nebul*  
TYPE LOCALI  
DISTRIBUTION  
Thaila  
STATUS: CIT  
SYNONYMS:  
macro:  
COMMENTS:  
Krato

*Panthera* Oken,  
TYPE SPECIES:  
SYNONYMS:  
Kretz  
COMME  
av  
Tigris  
synon

*Panthera leo* (L  
TYPE LOCAL  
Afric  
DISTRIBUTIO  
Malav  
Ugan  
Arabi  
STATUS: CIT  
Enda  
SYNONYMS:  
Allen  
bleye  
Smee  
kruge  
melan  
1843;  
Lönnl  
Neun  
COMMENTS:  
Krato

*Panthera onca*  
TYPE LOCAL  
[Braz

Molina, 1782; *punensis* Housse, 1950; *schorgeri* Jackson, 1955; *soasoaranna* Lesson, 1842; *soderstromii* Lönnberg, 1913; *stanleyana* Goldman, 1938; *sucuacuara* Liais, 1872; *vancouverensis* Nelson and Goldman, 1932; *wavula* Lesson, 1842; *youngi* Goldman, 1936.

COMMENTS: Reviewed by Currier, 1983 (Mammalian Species, 200, as *Felis concolor*). Placed in *Puma* by Pocock (1917), Weigel (1961), Hemmer (1978), and Kratochvíl (1982c).

Subfamily Pantherinae Pocock, 1917. Ann. Mag. Nat. Hist. ser. 8, 20:332.

COMMENTS: Type genus: *Panthera* Oken, 1816. Pocock's (1917) original classification for this subfamily placed *Neofelis* in the Felinae.

*Neofelis* Gray, 1867. Proc. Zool. Soc. Lond., 1867:265.

TYPE SPECIES: *Felis macrocelis* Horsfield, 1825 (= *Felis nebulosa* Griffith, 1821), by subsequent designation by Pocock (1917:343).

COMMENTS: Placed in Pantherinae by Hemmer (1978) and Weigel (1961). Placed in Neofelinae by Kratochvíl (1982c).

*Neofelis nebulosa* (Griffith, 1821). Gen. Particular Descrip. Vert. Anim. (Carn.), p. 37, pl.

TYPE LOCALITY: "brought from Canton" [China, Guangdong: Guangzhou].

DISTRIBUTION: Burma, Cambodia, China, India, Indonesia, Malaysia, Nepal, Taiwan, Thailand, and Vietnam.

STATUS: CITES - Appendix I; U.S. ESA - Endangered; IUCN - Vulnerable.

SYNONYMS: *brachyurus* Swinhoe, 1862; *diardi* Cuvier, 1823; *macrocelis* Horsfield, 1825; *macrosceloides* Hodgson, 1853.

COMMENTS: Placed in *Neofelis* by Pocock (1917), Weigel (1961), Hemmer (1978), and Kratochvíl (1982c). Groves (1982a) placed in *Panthera*.

*Panthera* Oken, 1816. Lehrb. Naturgesch., ser. 3, 2:1052.

TYPE SPECIES: *Felis pardus* Linnaeus, 1758, by subsequent designation by Allen (1902:378).

SYNONYMS: *Jaguaris* Severtzov, 1858; *Leo* Oken, 1816; *Leonina* Grevé, 1894; *Pardotigris* Kretzoi, 1929; *Pardus* Fitzinger, 1868; *Tigris* Oken, 1816.

COMMENTS: Revised by Hemmer (1966, 1968, 1974). *Panthera* Oken, 1816, has been ruled available (International Commission on Zoological Nomenclature, 1985c). Includes *Tigris* following Pocock (1916b). Van Gelder (1977b:13) included *Panthera* as a synonym of *Felis*.

*Panthera leo* (Linnaeus, 1758). Syst. Nat., 10th ed., 1:41.

TYPE LOCALITY: "Africa", restricted by Allen (1924:222) to "the Barbary coast region of Africa, or, more explicitly, Constantine, Algeria".

DISTRIBUTION: Present (except in tropical rain forests) in Botswana, Ethiopia, India, Kenya, Malawi, Mali, Mozambique, Namibia, Senegal, Somalia, South Africa, Sudan, Uganda, Zambia, and Zimbabwe. Formerly present but now extinct in Algeria, Arabia, Egypt, Greece, Iran, Iraq, Israel, Libya, Morocco, Pakistan, and Tunisia.

STATUS: CITES - Appendix I as *P. l. persica*; otherwise Appendix II. U.S. ESA and IUCN - Endangered as *P. l. persica*.

SYNONYMS: *adusta* Pocock, 1927; *africanus* Brehm, 1829; *asiaticus* Jardine, 1834; *azandicus* Allen, 1924; *barbaricus* Meyer, 1826; *barbarus* Fischer, 1829; *bengalensis* Bennett, 1829; *bleyenberghi* Lönnberg, 1914; *capensis* Fischer, 1829; *gambianus* Gray, 1843; *gojratensis* Smee, 1833; *hollisteri* Allen, 1924; *indicus* de Blainville, 1843; *kamptzi* Matschie, 1900; *krugeri* Roberts, 1929; *maculatus* Huevelmans, 1955; *massaicus* Neumann, 1900; *melanochaitus* H. Smith, 1842; *nigra* Loche, 1858; *nobilis* Gray, 1867; *nubicus* Blainville, 1843; *nyanzae* Heller, 1913; *persicus* Meyer, 1826; *roosevelti* Heller, 1913; *sabakiensis* Lönnberg, 1905; *senegalensis* Meyer, 1826; *somaliensis* Noack, 1891; *suahelicus* Neumann, 1900; *vernayi* Roberts, 1948; *webbiensis* Zukowsky, 1964.

COMMENTS: Revised by Pocock (1930c). Placed in *Panthera* by Pocock (1930c), Weigel (1961), Kratochvíl (1982c), Hemmer (1978), and Groves (1982a).

*Panthera onca* (Linnaeus, 1758). Syst. Nat., 10th ed., 1:42.

TYPE LOCALITY: "America meridionali", fixed by Thomas (1911a:136) to "Pernambuco" [Brazil].

## Felis concolor. By Mary Jean P. Currier

Published 8 April 1983 by The American Society of Mammalogists

### *Felis concolor* Linnaeus, 1771

#### Mountain Lion

- Felis concolor* Linnaeus, 1771:522. Type locality restricted to Cayenne, French Guiana, by Goldman (Young and Goldman, 1946).  
*Felis cougar* Kerr, 1792:151. Type locality North and South Carolina, Georgia, Pennsylvania; restricted to Pennsylvania by Nelson and Goldman (1929).  
*Felis puma* Molina, 1782:295. Type locality vicinity of Santiago, Chile.  
*Felis* (sic) *oregonensis* Rafinesque, 1832:62. Type locality Oregon, by restriction (Nelson and Goldman, 1932) to Ohanapeosh River, Mount Rainier National Park, Pierce County, Washington.  
*Felis californica* May, 1896:22. Type locality Kern Co., California.  
*Felis coryi* Bangs, 1899:15. Type locality wilderness back of Sebastian, Florida.  
*Felis hipolestes* Merriam, 1897:219. Type locality western United States (Wind River Mountains, near basin Wind River, Fremont Co., Wyoming).  
*Felis bangsi* Merriam, 1901:595. Type locality Dibuila, department of Magdalena, Colombia.  
*Felis aztecus*, Merriam, 1903:73; used as a full species, originally proposed as a subspecies of *Felis hipolestes*.  
*Felis arundivaza* Hollister, 1911:176. Type locality 12 miles SW Vidalia, Concordia Parish, Louisiana.  
*Felis improcera* Phillips, 1912:85. Type locality Calmalli, Baja California, Mexico.

**CONTEXT AND CONTENT.** Order Carnivora, Family Felidae, Subfamily Felinae. The genus *Felis* includes about 29 species. The subgenus *Puma* (here recognized as *Felis* by Young and Goldman, 1946) includes two species, *Felis concolor* and *Felis tigris*; both species are generally recognized (Young and Goldman, 1946).

- F. c. acrocodia* Goldman, 1943:230. Type locality Descalvados, Matto Grosso, Brazil.  
*F. c. anthonyi* Nelson and Goldman, 1931:209. Type locality Playa del Rio Base, Monte Duida, Territory of Amazonas, Venezuela.  
*F. c. araucanus* Osgood, 1943:77. Type locality "Fundo Maite-nuhue," Sierre Nahuelbuta, west of Angol, Malleco, Chile.  
*F. c. azteca* Merriam, 1901:592. Type locality Colonia Garcia, about 60 mi SW Casas Grandes, Chihuahua, Mexico.  
*F. c. bangsi* Merriam, 1901:595, see above.  
*F. c. borbensis* Nelson and Goldman, 1933:524. Type locality Borba, Rio Madeira, Amazonas, Brazil.  
*F. c. browni* Merriam, 1903:73. Type locality Colorado River, 12 mi below Yuma, Arizona.  
*F. c. cabrerai* Pocock, 1940:308. Type locality La Rioja, Province of La Rioja, northern Argentina.  
*F. c. californica* May, 1896:22, see above.  
*F. c. capricornensis* Nelson and Goldman, 1929:346. Type locality Piracicaba, Sao Paulo, Brazil.  
*F. c. concolor* Linnaeus, 1771:522, see above.  
*F. c. coryi* Bangs, 1899:15, see above (*arundivaza* Hollister a synonym).  
*F. c. costaricensis* Merriam, 1901:596. Type locality Boquete, Chiriqui, Panama.  
*F. c. cougar* Kerr, 1792:151, see above.  
*F. c. greeni* Nelson and Goldman, 1931:211. Type locality Curraes Novos, Rio Grande do Norte, Brazil.  
*F. c. hipolestes* Merriam, 1897:219, see above.  
*F. c. improcera* Phillips, 1912:85, see above.  
*F. c. incarum* Nelson and Goldman, 1929:347. Type locality Piscocucho, Rio Urubamba, Department of Cuzco, Peru.  
*F. c. kaibabensis* Nelson and Goldman, 1931:209. Type locality Powell Plateau, Grand Canyon National Park, Arizona.  
*F. c. mayensis* Nelson and Goldman, 1929:350. Type locality La Libertad, Department of Peten, Guatemala.

- F. c. missoulensis* Goldman, 1943:299. Type locality Sleeman Creek, about 10 mi SW Missoula, Montana Co., Montana.  
*F. c. olympus* Merriam, 1897:220. Type locality Lake Cushman, Olympic Mountains, Washington.  
*F. c. oregonensis* Rafinesque, 1832:62, see above.  
*F. c. osgoodi* Nelson and Goldman, 1929:348. Type locality Buena Vista, Department of Santa Cruz, Bolivia.  
*F. c. patagonica* Merriam, 1901:598. Type locality Lake Pueyrredon, Territory of Santa Cruz, Argentina.  
*F. c. pearsoni* Thomas, 1901:188. Type locality Santa Cruz, about 70 mi from coast, southern Argentina.  
*F. c. puma* Molina, 1782:295, see above.  
*F. c. soderstromii* Lönnerberg, 1913:2. Type locality Nono, Mount Pichincha, Ecuador.  
*F. c. stanleyana* Goldman, 1936:137. Type locality Bruni Ranch near Bruni, Webb Co., Texas.  
*F. c. vancouverensis* Nelson and Goldman, 1932:105. Type locality Campbell Lake, Vancouver Island, British Columbia.

**DIAGNOSIS.** The mountain lion is the largest species in the genus *Felis*, as restricted to exclude the pantherines. Size varies among the subspecies, but males generally weigh between 55 and 65 kg, and females between 35 and 45 kg. Total length is generally between 2.2 and 2.3 m in males, and between 2.0 and 2.1 m in females. Its feet resemble those of *F. geoffroyi*, *F. yagouaroundi*, *F. viverrinus*, and *F. silvestris* more than those of the pantherines (Pocock, 1917a). Its claws are retractile, but the claw-sheaths do not fully encase the claws as in the pantherines, thus resembling the claws of *F. geoffroyi*, *F. yagouaroundi*, *F. viverrinus*, and *F. silvestris* (Pocock, 1917a). The tail is long, cylindrical, and typically about one-third of the animal's total length. The ears are short and rounded. The dorsal color is light grayish brown to dark reddish brown. The lateral muzzle, backs of ears, and tip of tail are dark brown or black. The chin, medial muzzle, and ventral area are creamy white.

**GENERAL CHARACTERS.** The mountain lion is large and slender and has short, muscular limbs (Fig. 1). The pelage is of medium texture, characteristically short year-round in tropical forms, but growing longer and thicker in the winter in temperate forms. The young are black-spotted in three irregular dorsal lines and transverse rows. These spots are vivid up to the animal's third or fourth month of life. The eye color is blue in young kittens and turns grayish brown to golden in adults. The pupils are round. The skull (Fig. 2) is short, rounded, and has a sagittal crest, resembling the skull of *F. caracal* in shape (Pocock, 1917a). The partition



FIGURE 1. Adult female *Felis concolor hipolestes* (photo by K. R. Russell).

are the most common internal parasites, although they are not widespread (Hornocker, 1970; Leiby and Dyer, 1971; Sitton and Wallen, 1976). Flukes (*Heterophyes heterophyes*) (Davis and Libbe, 1971), and nematodes (*Trichinella spiralis*) (Worley et al., 1974; Zimmerman, 1971) also have been reported. The roundworm *Filaroides striatum* has been reported in mountain lions in Brazil (Young and Goldman, 1946). One case of piroplasmiasis caused by the protozoan *Babesia felis* has been reported in a captive mountain lion (Howe, 1971). One probable case of rabies has been recorded (Storer, 1923), and Bittle (1970) acknowledged the occurrence of feline panleukopenia in mountain lions. There is some evidence that arthritis occurs in old animals (Connolly, 1949; Hornocker, 1970). Anthrax has been reported in mountain lions that have eaten infected meat (Miller, 1971).

Two subspecies of mountain lion, *F. c. coryi* and *F. c. cougar*, have been declared endangered (U.S. Fish and Wildlife Service, 1974). The mountain lion was bountied in 9 western states (not in Alaska, Wyoming, or Nevada), and by the provinces of British Columbia and Alberta. The bounty programs varied in duration between 1843 and 1970, but averaged almost 50 years in each state or province. Although the state did not bounty mountain lions in Texas, counties did. In 1970, two counties still paid a bounty, and one remained in 1974 (Nowak, 1976). The mountain lion was declared a game animal in Colorado and Nevada in 1965, in Washington and British Columbia in 1966, in Oregon and Utah in 1967, in California (but is currently protected by a legislative moratorium) and Alberta in 1969, in Arizona in 1970, in New Mexico and Montana in 1971, in Idaho in 1972, and in Wyoming in 1973. It is still considered a predatory animal in Texas and receives no protection.

The mountain lion was bountied intermittently in Florida during the 1800's. From 1950 to 1958 it was considered a game animal, and in 1958 it became fully protected. The mountain lion is fully protected in the following states and provinces: Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Kentucky, Louisiana, Manitoba, Maryland, Massachusetts, Missouri, New Brunswick, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. As of 1976, there was no legal classification and no protection of mountain lions, except in agreement with the federal government, by the following states and provinces (lions are federally protected in states followed by an asterisk, because part of the original range of the endangered subspecies occurred there): Alaska, Indiana\*, Iowa, Kansas, Maine\*, Michigan\*, Minnesota, Mississippi\*, Nebraska, North Dakota, Northwest Territories, Nova Scotia, Ohio\*, Ontario, Pennsylvania\*, Quebec, Rhode Island\*, Saskatchewan, South Dakota, Vermont\*, West Virginia\*, Wisconsin\*, and Yukon (Nowak, 1976).

Mountain lions readily breed in captivity and are, therefore, often recipients of birth control implants to control overpopulation problems in some zoos. Unfortunately, many captive mountain lions originated from indiscriminate crossbreeding of different subspecies, so pure strains of the endangered subspecies are not readily available. A breeding program for the endangered *F. c. coryi* (Florida panther) is being attempted at the Rare Feline Breeding Compound in Florida by R. Baudy (Dawning, 1979), but three of the four males are well over 20 years old and the fourth is believed to be sterile.

Mountain lion pelts are not commercially valuable, although both North and South American Indians formerly made extensive use of them. Mountain lion claws and teeth are sometimes used for ornamentation.

The main methods of studying mountain lions have been observation of sign and capture and tagging. Mountain lions are generally tracked with two to four experienced hounds, then immobilized with phencyclidine hydrochloride (0.5 mg/lb) or a derivative injected from a dart shot from a Cap-Chur gun (Palmer Chemical and Equipment Co., Douglasville, Georgia 30134, USA), and marked with either a nylon rope collar and ear tattoo or a radio collar (Ashman, 1975; Currier et al., 1977; Donaldson, 1975; Hornocker, 1970; Seidensticker et al., 1973; Shaw, 1977; Sitton and Wallen, 1976).

Numerical estimates of population density based on tracks have been attempted (Currier, 1976; Koford, 1978; Kutilek et al., 1980), but accurate estimation is difficult. Seidensticker et al. (1973) were able to mark essentially the entire resident population on their 520 km<sup>2</sup> area, but this was not possible in most studies. Johnson and Couch (1954) developed a formula for a minimum population estimate based on lions killed:  $N = 3.3K$ , where  $N$  = minimum population and  $K$  = number of lions killed each year. Nowak (1976) estimated the total population of mountain lions in the United States and Canada to be 16,000.

**BEHAVIOR.** Reproductive behavior in the mountain lion is typical of felids. When a female is in estrous, she vocalizes freely, frequently rubs against nearby objects, and often exhibits lordosis and treading (Rabb, 1959). A male responds vocally with similar yowls (Rabb, 1959), sniffs the female's genital area, and tests her condition with Flehmen (vomeronasal response) (Eaton and Verlander, 1977). After a period of courtship, which primarily involves the male docilely following the female, an attempted mounting by the male is met by either defensive snarls and hisses or by allowed copulation. Prior to intromission, the male often grasps the female's neck fur. Copulation is brief but frequent (see REPRODUCTION AND ONTOGENY). The female seeks a secluded place to have her young, but no bedding is prepared.

Communication between adult mountain lions is largely visual and olfactory. When a female is in estrous, auditory and tactile communication are also important. Adult males and infrequently adult females make scrapes in their home areas (Musgrave, 1926; Smith, 1981). Scrapes are small piles of substrate kicked up by the hindfeet. Seidensticker et al. (1973) measured 86 scrapes and found them to be 15 to 46 cm long, 15 to 30 cm wide, and 3 to 5 cm deep. Most were found where topography yielded easy passage: on the downhill side of trees, near mouths of canyons, in draws, and on ridges. While tracking lions, they found the lion might go for many kilometers without scraping, or make two scrapes within a few hundred meters. Hibben (1937) stated that a male will scrape frequently when courting a female. Feces or obvious urine were only associated with about 20% of the scrapes; however, detection of urine was difficult, so it may be much more prevalent. Feces were sometimes found unassociated with a scrape, usually near a kill site (Seidensticker et al., 1973). Both males and females visit scrape sites and sometimes change course abruptly after the visit, suggesting that information is transferred from one lion to another (Hornocker, 1969).

Communication between mother and offspring is mainly tactile (licking, rubbing) and vocal. Young mountain lions give a loud, chirping whistle that serves to direct the mother's attention to the kitten (Eaton and Verlander, 1977; Rabb, 1959). Adult mountain lions have a low-pitched squeal that also appears to function in attention-getting (Rabb, 1959). Like smaller cats, but unlike the large, roaring cats, mountain lions can show contentment by purring both during inspiration and expiration of breath (see FORM AND FUNCTION). Mountain lions in captivity also make a variety of meows and barks which probably do not occur as frequently in more solitary wild mountain lions. The occurrence of the fabled "scream" is much debated. For example, Seidensticker et al. (1973) did not witness it in eight years of work with wild and captive mountain lions.

Many postures and habits of the mountain lion are typical of felids. It cleans itself by licking (see FORM AND FUNCTION). It laps water with its tongue and tears chunks of meat from a carcass with its sharp premolars and molars. Lions swim only when necessary, although they are not so averse to water as are domestic cats. Posture and facial expressions are similar to those described by Hemmer (1972) for the snow leopard. The greeting posture of captive mountain lions is standing with the tail curved upwards, and is accompanied by a short "mra" sound (Currier, pers. observ.). Annoyance or anger is indicated by a hiss or growl accompanied by a flattening of the ears against the skull (Bogue and Ferrari, 1974). Mountain lions remain playful throughout their lives, particularly when a female is in or approaching estrous (Young and Goldman, 1946).

**GENETICS.** The mountain lion has 19 pairs of chromosomes as do most felids. Eighteen of these pairs are metacentric or submetacentric and one is acrocentric or subacrocentric; the total number of chromosome arms is 37 (most felids are 19-17-2-36) (Robinson, 1976). Hsu et al. (1963) suggested that one pair of small acrocentric chromosomes was eliminated in mountain lions through pericentric inversion. The X chromosome is medium-sized and metacentric and the Y chromosome is small and submetacentric (Wurst and Benirschke, 1968).

Of the 15 coat color mutant genes known in the domestic cat (*F. domesticus*), the mountain lion probably exhibits three forms: non-agouti (the yellow or brown band is absent from agouti hairs resulting in a black-appearing coat), albinism, both reported by Young and Goldman (1946), and nonextension of black in agouti hairs, resulting in yellowish or reddish coat color (Robinson, 1976).

#### REMARKS

Mountain lion is a very common species in the United States and Canada. It is found in all states and provinces where it is found.



Authors recognize *Puma* as a separate genus for the mountain lion (*Felis concolor*) (Cope, 1899; Stock, 1970). It was accepted (Simpson, 1945; Young, 1946).

Other vernacular names for the mountain lion include cougar and puma.

### LITERATURE CITED

- Ashman, D. 1975. Mountain lion investigations. Nevada Dept. Fish and Game Performance Rep., Proj. W-48-6, Job No. 5, 18 pp.
- Bangs, O. 1899. The Florida puma. *Proc. Biol. Soc. Washington*, 13:15-17.
- Bittle, J. L. 1970. Feline panleukopenia. Pp. 85-89, in *Infectious diseases of wild animals* (J. W. Davis, L. H. Karstad, and D. O. Trainer, eds.). Iowa State Univ. Press, Ames, 421 pp.
- Bogue, G., and M. Ferrari. 1974. The predatory "training" of captive-reared pumas. Pp. 36-45, in *The world's cats* (R. L. Eaton, ed.), Vol. 3, No. 1. Carnivore Research Inst., Burke Museum, Univ. Washington, Seattle, 95 pp.
- Brown, B. 1908. The Conard Fissure, a Pleistocene bone deposit in northern Arkansas, with descriptions of two new genera and twenty new species of mammals. *Mem. Amer. Mus. Nat. Hist.*, 9:157-208.
- Christensen, G. C., and R. J. Fischer, eds. 1976. Transactions of the mountain lion workshop of the western United States and Canada. U.S. Fish and Wildlife Service, Region 1, 213 pp.
- Connolly, E. J., Jr. 1949. The food habits and life history of the mountain lion (*Felis concolor hippolestes*). Unpubl. M.S. thesis, Univ. Utah, Salt Lake City, 176 pp.
- Cope, E. D. 1899. Vertebrate remains from Fort Kennedy bone deposit. *J. Acad. Nat. Sci., Philadelphia*, 11:193-267.
- Currier, M. J. P. 1976. Characteristics of the mountain lion population near Canon City, Colorado. Unpubl. M.S. thesis, Colorado State Univ., Fort Collins, 81 pp.
- 1979. An age estimation technique and some normal blood values for mountain lions (*Felis concolor*). Unpubl. Ph.D. dissertation, Colorado State Univ., Fort Collins, 81 pp.
- Currier, M. J. P., and K. R. Russell. 1982. Hematology and blood chemistry of the mountain lion (*Felis concolor*). *J. Wildl. Dis.*, 18:99-104.
- Currier, M. J. P., S. L. Sheriff, and K. R. Russell. 1977. Mountain lion population and harvest near Canon City, Colorado, 1974-1977. *Colorado Div. Wildl. and Coop. Wildl. Res. Unit Spec. Rep.* 42, 12 pp.
- Davis, J. W., and K. G. Libbe. 1971. Trematodes. Pp. 235-257, in *Parasitic diseases of wild mammals* (J. W. Davis and R. C. Anderson, eds.). Iowa State Univ. Press, Ames, 364 pp.
- Donaldson, R. B. 1975. New Mexico game surveys: mountain lion research. New Mexico Dept. Game and Fish. Final Rep., Proj. W-93-R-17, Work Plan 15, Job No. 1, 18 pp.
- Downing, R. L. 1979. Progress reports: Florida. *Eastern Cougar Newsl.*, May, 1979:3.
- Eaton, R. L., and K. A. Verlander. 1977. Reproduction in the puma: biology, behavior and ontogeny. Pp. 45-70, in *The world's cats* (R. L. Eaton, ed.), Vol. 3, No. 3. Carnivore Research Inst., Burke Museum, Univ. Washington, Seattle, 144 pp.
- Gashwiler, J. S., and W. L. Robinette. 1957. Accidental fatalities of Utah cougar. *J. Mamm.*, 38:123-126.
- Gazin, C. L. 1933. New felids from the upper Pliocene of Idaho. *J. Mamm.*, 14:251-256.
- Glass, G. E., and L. D. Martin. 1978. A multivariate comparison of some extant and fossil Felidae. *Carnivore*, 1:80-87.
- Goldman, E. A. 1936. A new puma from Texas. *Proc. Biol. Soc. Washington*, 49:137-138.
- 1943. Two new races of the puma. *J. Mamm.*, 24:228-231.
- Hemmer, H. 1972. *Uncia uncia*. *Mamm. Species*, 20:1-5.
- 1978. The evolutionary systematics of living Felidae: present status and current problems. *Carnivore*, 1:71-79.
- Hibben, F. C. 1937. A preliminary study of the mountain lion (*Felis oregonensis* sp.). *Univ. New Mexico Bull., Biol. Ser.*, 5(3):1-59.
- Hollister, N. 1911. The Louisiana puma. *Proc. Biol. Soc. Washington*, 24:175-178.
- Hopkins, R. A. 1981. The density and home range characteristics of mountain lions in the Diablo Range of California. Unpubl. M.A. thesis, San Jose State Univ., San Jose, 48 pp.
- Hornocker, M. G. 1969. Winter territoriality in mountain lions. *J. Wildl. Mgmt.*, 33:457-464.
- 1970. An analysis of mountain lion predation upon mule deer and elk in the Idaho Primitive Area. *Wildl. Monogr.*, 21:1-39.
- Howe, D. L. 1971. Babesiosis. Pp. 335-342, in *Parasitic diseases of wild mammals* (J. W. Davis and R. C. Anderson, eds.). Iowa State Univ. Press, Ames, 364 pp.
- Hsu, T. C., H. H. Rearden, and G. F. Luquette. 1963. Karyological studies of nine species of Felidae. *Amer. Nat.*, 97:225-233.
- Johnson, M. L., and L. K. Couch. 1954. Determination of the abundance of cougar. *J. Mamm.*, 35:255-256.
- Kerr, R. 1792. The animal kingdom, or, zoological system of . . . Sir. C. Linnaeus. Class I. Mammalia . . . being a translation of that part of the Systema Natura . . . with numerous additions by R. K. Vol. 1. Printed for J. Murray, London, 644 pp. (not seen)
- Koford, C. B. 1978. The welfare of the puma in California, 1976. *Carnivore*, 1:92-96.
- Kretzoi, N. 1929. Materialien zur phylogenetischen Klassifikation der Aeluroiden. Tenth Congr. Internatl. Zool., Budapest, 1927, Part 2:1293-1355.
- Kutilek, M. J., T. E. Smith, R. A. Hopkins, and E. W. Clinite. 1980. California mountain lion track transect survey, 1980. *Calif. Dept. Fish and Game, File No. 0102-01*, 30 pp.
- Lechleitner, R. R. 1969. Wild mammals of Colorado. Pruett Publ. Co., Boulder, Colorado, 254 pp.
- Leiby, P. D., and W. G. Dyer. 1971. Cyclophyllidae—on tape-worms of wild carnivores. Pp. 174-234, in *Parasitic diseases of wild mammals* (J. W. Davis and R. C. Anderson, eds.). Iowa State Univ. Press, Ames, 364 pp.
- Linnaeus, C. von. 1771. Regni animalis. Pp. 521-552, in Appendix, Mantissa Plantarum altera. Uppsala. Pp. 143-587. (not seen)
- Lönnerberg, E. 1913. Mammals from Ecuador and related forms. *Arkiv. Zoologi, Stockholm*, 8(16):1-3. (not seen)
- Macgregor, W. G. 1974. The status of the puma in California. Pp. 28-35, in *The world's cats* (R. L. Eaton, ed.). Vol. 3, No. 1. Carnivore Research Inst., Burke Museum, Univ. Washington, Seattle, 95 pp.
- May, W. B. 1896. California game "marked down." *Southern Pacific R. R. Co., San Francisco, California*, 64 pp. (not seen)
- Merriam, C. H. 1897. Descriptions of two new pumas from the northwestern United States. *Proc. Biol. Soc. Washington*, 11: 219-220.
- 1901. Preliminary revision of the pumas (*Felis concolor* group). *Proc. Washington Acad. Sci.*, 3:577-600.
- 1903. Eight new mammals from the United States. *Proc. Biol. Soc. Washington*, 25:85-86.
- Merriam, J. C. 1918. New puma-like cat from Rancho La Brea. *Bull. Dept. Geol., Univ. California*, 10:545-547.
- Merriam, J. C., and C. Stock. 1932. The Felidae of Rancho La Brea. *Carnegie Inst., Washington, D.C.*, 422:1-231.
- Miller, R. M. 1971. Anthrax in mountain lions. Pp. 605, in *Progress in feline practice* (E. J. Catcott and J. F. Smithcoors, eds.). Vol. 2. Am. Vet. Publ., Wheaton, Illinois, 704 pp.
- Molina, J. I. 1782. Saggio sulla storia naturale del Chili, del signor abate Giovanni Ignazio Molina. Stamperia del S. Tommaso d'Aquino, Bologna, 367 pp. (not seen)
- Musgrave, M. E. 1926. Some habits of mountain lions in Arizona. *J. Mamm.*, 7:282-285.
- Nelson, E. W., and E. A. Goldman. 1929. List of the pumas, with three described as new. *J. Mamm.*, 10:345-350.
- 1931. Three new pumas. *J. Washington Acad. Sci.*, 21:209-212.
- 1932. A new mountain lion from Vancouver Island. *Proc. Biol. Soc. Washington*, 45:105-108.
- 1933. A new puma from Brazil. *J. Washington Acad. Sci.*, 23(11):523-525.
- Nowak, R. M. 1976. The cougar in the United States and Canada. U.S. Fish and Wildl. Ser., Washington, D.C., and New York Zoological Soc., 190 pp.
- Osgood, W. H. 1943. The mammals of Chile. *Field Mus. Nat. Hist., Zool. Ser.*, 30:75-79.
- Phillips, J. C. 1912. A new puma from Lower California. *Proc. Biol. Soc. Washington*, 25:85-86.
- Pocock, R. I. 1916a. The structure of the auditory bulba in existing species of Felidae. *Ann. Mag. Nat. Hist.*, ser. 8, 18: 326-334.
- 1916b. On the hyoidean apparatus of the lion (*F. leo*) and

8

31 October 1997

Beverly Stein, Chair  
Multnomah County Commission  
Portland Building, Room 1515  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Re: Animal Control Hearing and Further Information

Dear Chair Stein,

Thank you for arranging the public hearing that was held Wednesday evening, 29 October, soliciting input on a proposed ordinance addressing exotic animals within Multnomah County. Though you were not in attendance at the meeting, I'm sure you have or will review the transcripts so that you can better understand the complexities of this issue. I question if the group was truly a representative sampling of the voters living in Multnomah County.

There was a very well organized showing of exotic pet owners at this public hearing who pretty much focused on issues relating to property rights, their rights to own exotic animals as pets, their willingness to involve the County in litigation, the value of their animals in organized conservation efforts, and their belief that exotic animals are not a "problem" within the County.

To help clarify a few issues, I would like to offer the following information.

- There were several claims that exotic pet owners take better care of their animals than zoo keepers. You need to be aware that there is no evidence, scientific or otherwise, that will support those claims. In fact, animal keepers nationwide belong to the American Association of Zoo Keepers, an organization that was founded by animal keepers to further enhance the quality of animal care. Zoo animal keepers are dedicated, committed individuals who generally give more than is required of them to care for their animals. In my professional opinion, they are the ones who are largely responsible for developing standards for proper and adequate animal care.
- Several statements were made that exotic pets were important to conservation efforts. I believe that all of these statements were made in context to these pets providing genetic material to gene pools. While it is difficult to talk to this issue in generalities -- as was the case during the public meeting -- usually exotic pets, specifically mammals, are not suitable candidates for organized breeding programs. Often times their genetic blood lines cannot be verified. Other times their close association with their human companions has such a detrimental affect on their behavior that they don't behave in ways that would produce successful breedings. The incidence of exotic animals (not pets) held by private individuals participating in bona fide conservation breeding programs is the exception, not the rule.

- And, when the private holder of exotic animals does participate in a conservation breeding program with the American Association of Zoos and Aquariums (AZA), they are required to provide a level of animal care and housing that meets or exceeds those standards required by AZA member institutions (other zoos). The AZA standards would not allow one of their breeding programs to include a private holder of a tiger if it was a pet and held in a residential area of a city.
- Further, attempting to legitimize the holding of exotic animals as pets for conservation purposes does not address the problem that Multnomah County must resolve. Many exotic animals are dangerous and require specialized care and security. You should not compromise public safety based on this weak allegation.
- I was curious about the statements regarding home owners' insurance. At least two individuals indicated this has been a problem. One of them said their insurance had been canceled when the insurance company discovered the home owner had exotic animals. It would seem to me that the insurance company's experience with exotic animals would have a bearing on this decision. Have they settled litigation regarding exotic animals as pets? I wonder if the County could better understand the liability costs of an exotic animal incident if they looked into it further with the insurance industry.
- Several individuals accused the county of creating a problem where one does not exist. This is a problem and will continue to be a problem into the future as individuals with no animal training or knowledge continue to obtain exotic animals. The pet trade is big business and I suspect several individuals who provided comments during the hearing were doing so to protect their business potential. But the fact remains that many of these animals are abused and abandoned every year. Both Bob Salinger of Portland Audubon and Jan Hixson from the zoo said it best -- this is a big problem and it happens on a daily basis.

Ironically, the individual who owns the tiger in southwest Portland contacted the zoo to ask if we could temporarily house his animal. He claimed that he had had an intruder on his property one evening. This indicates to me that he did not have confidence in the level of security that he had provided for his animal. Also, at the conclusion of this public hearing, I was approached by an individual who wanted to donate two snakes to the zoo. She didn't want to give them to "just anyone." She felt her precious pets would have a good home at the zoo. This was an individual who addressed the commissioners that evening with her dedication and commitment to her exotic pets. Often I feel that too many pet owners feel that they can always approach the zoo as a *last resort*. This is not uncommon. In fact we have a list of animals that we need for our education programs that we feel will be offered to us from private owners in the near term. Rather than us acquiring from another zoo, we will wait and hopefully save animals that are no longer wanted as pets.

It seems that if the County decides to put a permit process in place, there would need to be a fee associated with the permit which would help cover the cost of implementing the program. This would include the cost of additional facilities and staff that would be needed in the event of dangerous exotic animal confiscations. Doesn't the current law require a vote of the citizens before the County can raise fees or create new fees? If that is the case, the issue that needs to be referred to the voter would be: a "Yes" vote would approve the ordinance to create a permit process with an associated fee; a "No" vote would mandate the County to ban exotics from the area because the voters did not want to approve the costs necessary to responsibly support the program. In that event, the voter has the final say on how this issue could be resolved.

As the General Curator of the zoo, I would be happy to assist you further with this issue. As you may know, we have assisted Multnomah County with various exotic animal issues over the years. We recognize that this is more

Ms. Stein  
Multnomah County Chair

- 3 -

Michael Keele

than just a county problem and we are willing to help where we can. But, not unlike the County, our resources are limited, especially in the current tax climate.

I hope my input will be beneficial to you and the rest of the Multnomah County Commission in responsibly addressing this issue.

Sincerely,

Mike Keele  
General Curator

c: Commissioner Saltzman, District 1  
Commissioner Hansen, District 2  
Commissioner Collier, District 3  
Commissioner Kelley, District 4  
Portland City Council

H. Michael Maetz, M.D., M.P.H., Associate Professor and Chairman  
University of Alabama at Birmingham  
School of Public Health, Department of Epidemiology

Man's relationship with captive animals has evolved from pre-historic times to one that more often than not involves exploitation of the animal. Animals work for us, entertain us, act as status symbols and are sacrificed in order to generate scientific knowledge. The companionship that they provide is too often taken for granted, as is the pleasure we derive from simply observing them.

In the 1950's, amusing articles in magazines describe strange pets that notable people kept. It was considered "captial fun" if a pair of New Yorkers kept wombat and a llama in their Manhattan townhouse. Ladies of fashion in South America used to appear on occasion with large spiders incrustated with precious stones clinging to their dresses. Such whimsical practices have more often than not led to tragedy or waste because of ignorance or carelessness on the part of humans. As a recent issue of Smithsonian magazine pointed out, however, sentiment is tending to run against the back yard lion and the drawing room chimp. Unfortunately, with over 1.5 million animals imported into the U.S. each year for commercial purposes, the expression of such sentiments has not stimulated anything approaching complete cessation of man's misuse of wild or exotic species. Today I wish to comment on some of the public health and humane implications of this misuse and suggest some actions that might be taken to address the issue.

In characterizing the health problems of populations, epidemiologists require adequate, reliable data, and it should be emphasized at the outset that no such data pertaining to the problem we are discussing here exists. The most detailed recent summary of injuries or health threats to humans from wild or exotic pets was compiled by the American Veterinary Medical Association for the period 1971 to 1981, but only 74 incidents were listed; clearly an example of underreporting. This is not surprising, since no formal surveillance program has been established. Despite its limitations, however, the survey referred to provided some indication of the types of repercussions those who obtain these types of animals as pets can experience.

The risk of rabies is one of the most serious. Between 5,000-6,000 rabies cases are reported each year in wild life, most in skunks and raccoons. A continuing outbreak in the mid-Atlantic states has been spreading 25-50 miles per year, with 190 cases recorded the first six weeks of 1983 in Virginia, West Virginia, Maryland, Pennsylvania and the District of Columbia. More than 90% of these cases were in raccoons, one captured two blocks from the White House. Despite the publicity this outbreak has generated, young skunks and raccoons continued to be taken from the wild by persons wishing to domesticate them. The risk of this practice should be readily apparent. Two pet raccoons in South Carolina that developed rabies in 1983 stimulated post-exposure rabies treatment of 18 people at a cost of over \$10,000.

The regrettable practice of pen-breeding such animals only tends to stimulate an unwarranted complacency, as the recent rabies case in a Minnesota animal farm shipment of 226 skunks illustrates. Since there is currently no effective method for control of wild life rabies or an approved vaccine for other than domestic species, such risks are not likely to diminish.

Although probably the most serious, rabies is but one of over 150 infectious diseases or zoonoses common to and potentially transmissible between animals and man. The significant reduction of tuberculosis in the U.S. population has reduced the chance of this disease occurring in subhuman primates, although the high degree of susceptibility in both primates and man makes the transmission potential a continuing concern. A variety of other bacteria including *Salmonella*, *E. coli* and *Shigella* are readily capable of producing communicable intestinal infections. This slide illustrates an ulcerative colitis in a chimp that resulted from *Shigella* infection, a condition that is comparable in severity to that occurring humans. A similar condition in both primates and man results from *Entamoeba* infection, leading to amoebic dysentery.

In addition to rabies, owners of primates have contracted other viral infection that can result in severe disease including Herpes virus simiae, which has over a 70% case fatality rate in man and a considerable risk of long-term disability in survivors. Hepatitis A, formally called infectious hepatitis, has also been transmitted from primate to man, an infection that at least in the subclinical state has been documented in over 90% of chimps living in the wild.

The diseases mentioned only represent examples of infectious zoonoses that could be mentioned in this context. Traumatic injuries from bites and scratches are a more likely outcome of wild or exotic animal ownership. Eighty percent of the incidents recorded as part of the ten year AVMA study already mentioned involved bite or scratch wounds, a number severe enough to cause fractures, amputation and death. As has often been the case with bite injuries by pet dogs, a large proportion of the victims of exotic pet attacks were young children. It seems to reflect many species' tendencies to attack what they correctly perceive as a more helpless victim and their likely interpretation of certain kinds of movements by children as threatening.

The final issue I wish to raise relates to the well-being of the animal. What is probably the largest exotic animal auction in the world is held in Missouri, with approximately two million dollars in animals sold each year. Similar sales, on a smaller scale, are regularly held elsewhere in the U.S. Originally established as sources for zoo animals, the sales have been adversely affected by zoological park breeding programs which have reduced demands and resulted in the distribution of larger numbers of animals to roadside zoos, game parks, carnivals and, of course, private individuals. The auctions typically handle a variety of wild cats including lions and tigers, primates, reptiles, birds, and hoofed animals such as elk and buffalo, all going to the highest bidder. The possibility of mistreatment of such



animals, whether from ignorance or indifference, is high. An inappropriate diet, an unsatisfactory environment and insufficient veterinary care are commonplace and inevitably followed by disease and likely death of the animal. Michael Jackson, the rock singer, may have the where-with-all and commitment to provide the best care for his pet llama. Others with such pets may not. Former boxer George Foreman had to part with his lion and tiger cubs when they "got too hard to handle". How they were disposed of is not clear. Singer Barry White's Bengal tiger cub died after three months from a concussion. Likewise, no further details are available. You know best how unsuitable privately owned animals tend to be for zoos, although it is a commonly held belief that if an unusual animal doesn't work out at home, the zoo will take it. Other options open to the owner are obviously limited.

How can this problem be dealt with? Both the AVMA and the American Animal Hospital Association have passed resolutions strongly recommending that federal agencies such as the Department of Agriculture, the Public Health Service, the Plant and Animal Inspection Service and the Department of the Interior establish regulations prohibiting interstate shipment of raccoons, foxes and skunks for use as pets. These associations and the Centers for Disease Control in Atlanta have also encouraged all states to enact laws prohibiting the keeping of wild or exotic animals by private individuals, and a number of states have done so. To facilitate state and local action, national humane associations have prepared model wild life protection bills, animals cruelty ordinances, and instructions for citizens on how to lobby for their enactment. The legislative process tends to be painfully slow, however, particularly when the issue in question has less direct impact on the average citizen. Zoos nevertheless can play important roles in facilitating necessary actions through their various educational programs. By emphasizing unique needs of exotic animals and the special qualifications of zoos to meet these needs, the public, especially children, who can influence adults, can be transformed into vocal supporters of efforts to not only discourage but to prevent the private ownership of these animals. The docent programs, public service announcements and zoo publications are several mechanisms that could be used. Likewise, boards of directors of zoological parks and aquaria can be mobilized to bring pressure to bear on the appropriate public officials. One approach would be to develop a coordinated thrust involving of other organizations such as humane societies, health departments and veterinary associations, organizations that often have considerable experience with the political process. Your role in making people aware of animals as a fascinating resource is an invaluable one. Opportunities to expand that role clearly exist.

# LIONS AND TIGERS AND BEARS...

## IN YOUR NEIGHBOR'S BACKYARD? OH, MY!

The precious, playful cub purchased from an exotic pet dealer will become a large, dangerous, unmanageable and probably unhealthy animal.

By SATCH KRANTZ, Executive Director

Photograph by LARRY CAMERON

"Good morning, Riverbanks Zoo."

"Uh, yeah. I've, uh, got this pet lion and, uh, I'd like to give it to the Zoo."

"I'm sorry, sir, we don't accept pet animals."

"But I've got this problem. Last week it destroyed my living room sofa and yesterday it bit my girlfriend real bad. I'll give it to the Zoo for free."

"I'm terribly sorry, but we won't be able to help you."

"Well, then, could you please tell me who else I could call?"

"There is no organization in South Carolina that can help. You might try calling humane societies in other states. Perhaps they know of someone."

"Okay, thanks. I'll leave my phone number just in case. I'm desperate."

As alarming as this fictitious telephone conversation may seem, calls like it occur all too frequently. Several times each week calls similar to this one come into the Zoo's switchboard. The only variable is the species. Instead of a lion, the offending creature may be a tiger, wolf, bear, monkey, cobra, raccoon or any one of a number of potentially dangerous animals. And while the majority of such inquiries originate from within South Carolina, equally desperate calls are regularly received from almost every state. Amazingly, Riverbanks Zoo receives an average of three such calls every day - about one thousand calls a year! While most involve native species that have been "rescued" from the wild, a large number of exotic pet owners call all too frequently.

Just who are these people and how did they come to own such animals? The answers to these questions are disparate and wide-ranging. The caller might be a college professor, an out-of-work waitress, a farmer or an apartment dweller. The animal may have been purchased through a magazine or traded for a pickup truck. Perhaps the only thing common to each situation is the desire to get out of a hopeless dilemma. Such is the unpredictable business of exotic pets.

Over the years that I have been associated with the

Zoo, I have spoken with hundreds of exotic pet owners or potential owners. Their desires to obtain lions and tigers and bears are indeed different, but there is usually one common thread - ego. "I wanted something really different;" "I thought a lion would make a great watch dog;" "When I walk down the beach with that python draped around my neck, people notice!" The price of this rather unusual vanity can be quite expensive. Lion and tiger cubs are routinely sold in the private sector for thousands of dollars.

These animals are often bred in cramped and unsanitary conditions. On more than one occasion I have personally observed two or three large cats kept in chain link cages barely large enough for one animal. They may be fed a diet comprised exclusively of meat scraps or chicken necks, leading to health problems which will plague the animal throughout its life. Genetic problems are not unusual as fathers are bred to daughters or siblings to each other. Any combination is acceptable to the breeder as long as cubs are produced. This does not mean that there are no private breeders who care deeply about their animals and provide for them well. I have seen breeders who strive to maintain their animals in conditions superior to some "zoos." These people are, unfortunately, in the minority. Many breeders simply wish to keep as many animals as possible in order to supply a demanding public with their offspring.

Most unsuspecting buyers do not understand that they are purchasing a wild animal. Unlike dogs, cats, cattle or horses that have been domesticated over thousands of years, most exotic pets are usually no more than one or two generations removed from their wild ancestors. For millions of years, they have evolved physical and behavioral characteristics which enable them to survive in their natural habitats.

Those habitats are not backyards or living rooms in urban Richland or Lexington County. And those characteristics do not leave the animal when it is found on the roadside or born in captivity. Admittedly, some



characteristics may be suppressed. A few may never surface at all. But sooner or later most of these "undesirable" characteristics will appear.

It is when these traits begin to surface that the unsuspecting owner realizes he has a serious problem. Some owners may attempt to delay the inevitable – animals are routinely declawed, defanged or neutered. However, these attempts do little more than mutilate. The innate desires to claw, bite or reproduce cannot be surgically removed. Once this becomes evident, the owner is faced with a difficult decision – keep the animal, sell it or give it away.

Broken lamps, clawed furniture or trips to the emergency room to have bites and scratches treated usually make the first alternative undesirable. Since the owner has invested a great deal of money in the purchase of the animal, food, veterinary bills and other miscellaneous expenses, he tries the second alternative – selling the animal.

The owner will discover that the value of the animal has rapidly decreased. It is not unusual for a lion cub that originally sold for \$1,000 to be offered next for \$250 or less. By the time the animal reaches its third owner, its value usually drops to nothing – that person is willing to give the animal to anyone.

This phenomenon is what the zoo staff refers to as "musical owners." By way of a series of incoming telephone calls, the Zoo is sometimes able to trace the same exotic pet through several owners during a relatively short period.

It is at this point that the last frustrated owner turns to the Zoo.

During a typical one-month period, Riverbanks received over 90 calls from owners of various exotic animals wishing to sell or donate them to the Zoo. Although most of the animals were native species such as raccoons, deer and snakes, several large exotic species, such as lions and puma, were also offered.

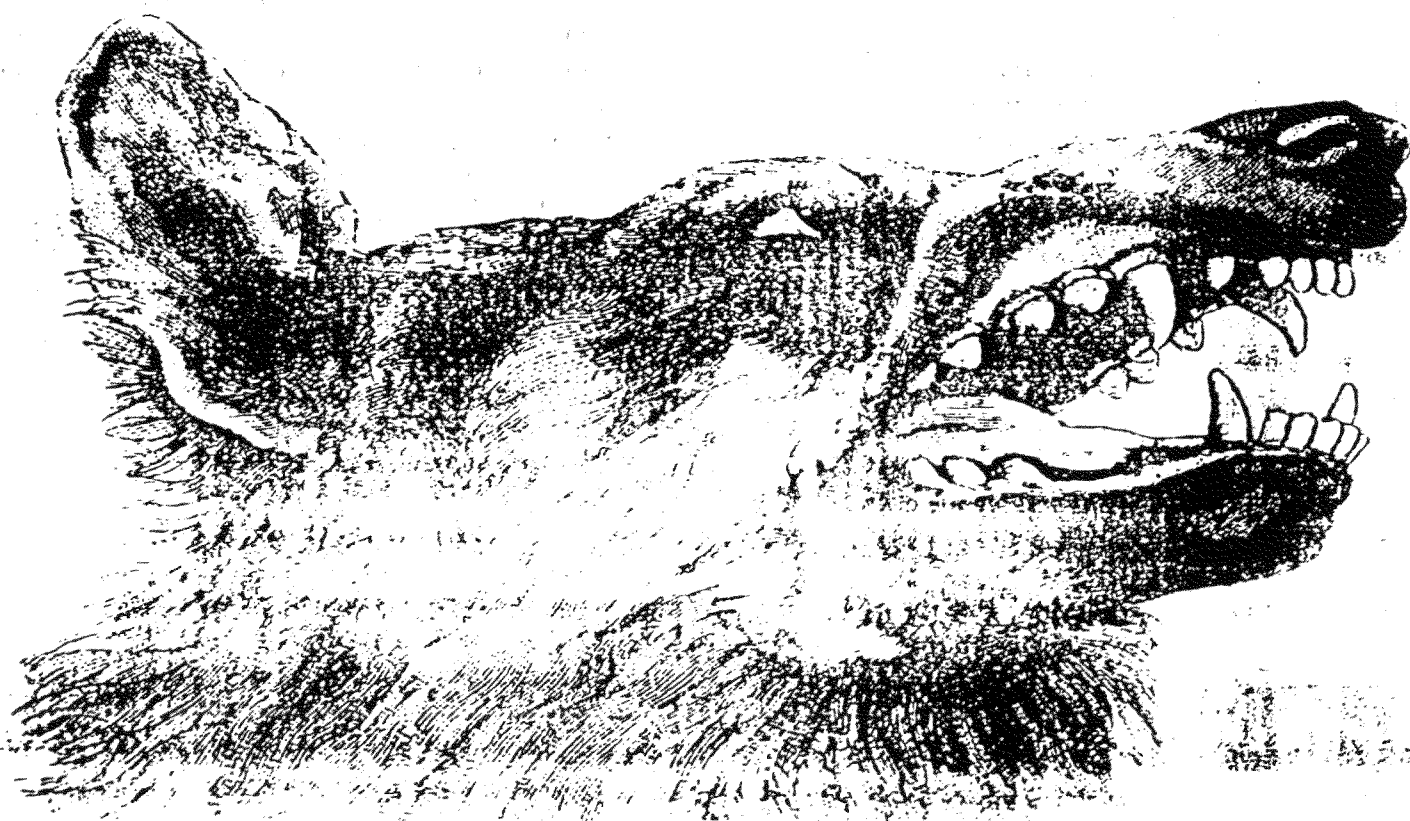
Regardless of the animal, owners are surprised when the Zoo refuses their "generous" offer. Quite often their surprise quickly turns to anger, depending on how desperate they are to rid themselves of an unwanted pet.

Why would the Zoo refuse such an offer, particularly a free tiger or monkey?

Like most zoos, Riverbanks has limited resources. It is extremely important that decisions concerning the acquisition of animals be made as carefully as possible. Space requirements, diet, lineage, popularity, availability, cost, and other factors must be considered before a particular species or individual animal is obtained for the Zoo's collection.

Each of Riverbanks' 36 mammal exhibits is inhabited by one or more species of mammal. Each of the 50 mammal species has been specifically chosen for a particular exhibit. Therefore, it is highly unlikely that a member of the public could offer the Zoo an animal which could be used for display.

This does not, however, explain the Zoo's refusal to accept animals that may be added to species already displayed here, such as the tiger.



Riverbanks is an active participant in the Species Survival Plan (SSP) of the American Association of Zoological Parks and Aquariums. This plan, implemented in 1982, coordinates the breeding of many rare and endangered species of wildlife. Zoos that chose to participate in the SSP must sign an agreement that they will follow the recommendations of a national committee elected to genetically manage a particular species. Before any recommendation is made, the lineage of every animal in the plan must be known. In many cases, animals can be traced back several generations, often to their wild-caught ancestors. Such information is critical to the success of any captive breeding program.

Most private breeders of exotic animals do not follow these guidelines. Records are rarely kept and incestuous matings are commonplace. The goals of accredited zoos and private breeders are vastly different. Zoos breed to propagate certain species for future zoogoers to enjoy and to preserve other species as a hedge against extinction. Private breeders produce babies to sell. To illustrate this point, I have contacted several well-known conservation organizations regarding the issue of private breeders. None of the organizations I spoke with were aware of any cooperative or scientifically based captive reproductive programs organized by private breeders in the United States. In fact, the World Wildlife Fund has a policy prohibiting their involvement with private breeders.

There are additional, more practical reasons for refusing unwanted exotics.

Almost all exotic pets are "hand-raised." That is, they were taken from their mothers very soon after birth and bottle-fed by humans. Because of this, they have become "imprinted" on humans. Those behaviors that are learned from their natural parents, particularly social behavior, never develop. Because of this lack of social contact, they have an extremely difficult time relating to members of their own species.

This problem is often compounded by the fact that most large exotic pets, such as lions, are declawed and defanged, rendering them defenseless among members of their own species.

For these reasons, the length of time and the amount of work required to "introduce" an imprinted animal to our existing collection is simply not worth the effort.

A final, and perhaps the most important, reason for not accepting offers of exotic pets is the potential for disease. Animals in the Riverbanks collection are acquired only after careful consideration of their origin.

More than 95 percent of the animals housed at Riverbanks came from other zoos - zoos with a proven record of good animal health care. However, even these animals undergo a rigid 30-day quarantining period before they are placed in an exhibit. These procedures are followed both to ensure the new animal's health and to protect those animals already housed at the Zoo.

All too often exotic pets receive little or no veterinary care, particularly preventive care like vaccinations and parasite analysis. They usually pass through several owners in rapid succession, and are exposed to many communicable diseases. With this history, it is not worth the risk of exposing our existing collection.

Having suffered through a succession of owners, and having been rejected by zoos and other wildlife agencies, the animal has finally reached the end. The only remaining alternative is to kill it. Although this may seem cruel and senseless to many, for an animal that has been passed from owner to owner, malnourished, mistreated and separated from contact with members of its own species, death may be a welcome relief.

In South Carolina owning exotic animals is perfectly legal. Two rather obscure laws do act as a mild deterrent. One law, enacted to help control the spread of rabies, makes it illegal to sell a non-domestic carnivore in South Carolina. The other law, in an attempt to stem the tide of native carnivores entering the state, requires a permit to import wild animals into South Carolina. The permit may be obtained from the South Carolina Department of Wildlife and Marine Resources. Neither law, however, prevents the possession of exotic pets. This is left to the individual counties and municipalities in the state through the adoption of local ordinances. A recently enacted law offers some encouragement. In May 1992, H3777 "Regulation of Dangerous Animals" was enacted by the General Assembly of South Carolina. This law classifies as a felony the ownership of any canine or feline which the owner knows to be potentially dangerous to people or domestic animals, unless the owner meets certain provisions.

Unless one works in a position, such as at the Zoo, where frustrated owners call for help, the scope of the exotic pet problem is largely unappreciated. While no one would claim its treatment should have the same priority as restructuring state government or the health care crisis, anyone concerned about the ethical and humane treatment of all animals recognizes that it is a significant problem deserving of attention.

*Keeping exotic and native wild animals as pets is not only dangerous for people but, in most cases, a substandard life for the animals as well.*

## Hanging Around

2

Climbing is one kind of locomotion that can be done with little specialization, but many climbers exhibit unique and interesting adaptations which make climbing easier. By Lynne Crook.

## 11th Annual Taste of Columbia and Society Gala 1993

7

## Lions and Tigers and Bears...

8

In Your Neighbor's Backyard? Oh, My! The Tragedy of Exotic Pets.  
By Satch Krantz.

## Fridays After Five!

12

Live entertainment all summer long.

## Conservation Day 1993

14

Riverbanks' fourth annual celebration of wildlife and the environment.

## Newcomers

15

Births, hatchings and acquisitions.

## The Intriguing Naked Mole-Rat

16

An animal with many absolutely unique physical and social adaptations. By Sue Maney.

## Growing A Container Tea Garden

19

A great warm weather project for the whole family.  
By Melodie Scott.

## The Richness of Nature

20

Photograph by Emily Short.

## A Garden Party

21

In celebration and support of the Botanical Garden.

## Toucans

22

The most unmistakable of New World tropical forest birds. By Dennis Monroe.



Subscriptions to *Riverbanks* are provided to members of the Riverbanks Zoological Society. Individual memberships are \$25 a year; family memberships are \$35 a year; grandparent memberships \$39; and family plus memberships \$49. Members receive free admission and guest passes, invitations to members-only activities, and special programs.

Front cover: Green tree monitor. Photograph by Emily Short.

Back cover: Tulips "Francaise." Photograph by Emily Short.



CONTENTS

---

# **ZOO & WILD ANIMAL MEDICINE**

---

**CURRENT THERAPY**  
**3**

---

Editor

**Murray E. Fowler, D.V.M.**

Professor Emeritus of Veterinary Medicine

School of Veterinary Medicine

University of California at Davis

Sponsored by



Denver, Colorado

**W.B. SAUNDERS COMPANY**

*A Division of Harcourt Brace & Company*

Philadelphia London Toronto Montreal Sydney Tokyo

**W.B. SAUNDERS COMPANY**

*A Division of  
Harcourt Brace & Company*

The Curtis Center  
Independence Square West  
Philadelphia, Pennsylvania 19106

**Library of Congress Cataloging-in-Publication Data**

Zoo and wild animal medicine/edited by Murray E. Fowler.—3rd ed.  
p. cm.

Includes bibliographical references and index.

ISBN 0-7216-3667-5

1. Zoo animals—Diseases. 2. Wildlife diseases. I. Fowler,  
Murray E.

SF996.Z66 1993

636.089—dc20

93-16752

Zoo and Wild Animal Medicine: Current Therapy 3

ISBN 0-7216-3667-5

Copyright © 1993, 1986, 1978 by W.B. Saunders Company

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage and retrieval system, without permission in writing from the publisher.

Printed in the United States of America.

Last digit is the print number: 9 8 7 6 5 4 3 2 1

**James S. Stewart, M.S., D.V.M.**  
Ostrich Consultation Services, West Coast  
Ostrich Company, San Ramon, California  
*Diseases of Bird Groups: Hatchery  
Management in Ostrich Production*

**Michael K. Stoskopf, D.V.M., Ph.D., Dipl.  
A.C.Z.M.**  
Professor and Department Head, Companion  
Animal and Special Species Medicine, College  
of Veterinary Medicine, North Carolina State  
University, Raleigh, North Carolina  
*Diseases of Bird Groups: Penguin and Alcid  
Medicine*

**Janet Stover, V.M.D., Dipl. A.C.Z.M.**  
Veterinarian, White Oak Plantation, Yulee,  
Florida  
*Artiodactylids: Toxoplasmosis in Captive  
Ungulates*

**Jay C. Sweeney, V.M.D.**  
Veterinary Consultant in Marine Mammal  
Medicine, Veterinary Consultant Services, San  
Diego, California  
*Marine Mammals: Blood Sampling and  
Other Collection Techniques in Marine  
Mammals*

**R. Brent Swenson, D.V.M.**  
Chief, Division of Veterinary Medicine,  
Yerkes Regional Primate Research Center,  
Emory University, Atlanta, Georgia  
*Primates: Endometriosis in Nonhuman  
Primates; Protozoal Parasites of Great Apes*

**Charles O. Thoen, D.V.M., Ph.D.**  
Professor, Department of Microbiology,  
Immunology, and Preventive Medicine, Iowa  
State University, Ames, Iowa  
*Tuberculosis and Other Mycobacterial  
Diseases in Captive Wild Animals*

**Duane E. Ullrey, Ph.D.**  
Professor of Comparative Animal Nutrition,  
Departments of Animal Science and Fisheries  
and Wildlife, Michigan State University, East  
Lansing, Michigan  
*Identification of Nutritional Problems in  
Captive Wild Animals*

**Andries W. Van Foreest, D.V.M.**  
Head of Veterinary Dentistry Department,  
Faculty of Veterinary Medicine; Department

of Clinical Sciences of Companion Animals,  
Utrecht, The Netherlands  
*Veterinary Dentistry in Zoo and Wild  
Animals*

**Kenneth A. Waldrup, D.V.M., Ph.D.**  
Veterinary Scientist, Invermay Agricultural  
Centre, Ministry of Agriculture and Fisheries,  
Mosgiel, New Zealand  
*Artiodactylids: Babesiosis and Theileriosis in  
Free-Ranging and Captive Artiodactylids*

**Susan K. Wells-Mikota, D.V.M.**  
Director of Veterinary Services and Research,  
Audubon Park Zoo, New Orleans, Louisiana  
*Wildlife Laws, Regulations, and Policies*

**Richard J. Whittington, B.V.Sc.,  
M.A.C.V.Sc.**  
Special Veterinary Research Officer, New  
South Wales Agriculture, Microbiology, and  
Immunology Section, Elizabeth Macarthur  
Agricultural Institute, Camden, New South  
Wales, Australia  
*Monotremes and Marsupials: Diseases of  
Monotremes*

**Henning Wiesner, D.V.M.**  
Zoological Director, Tierpark Hellabrunn;  
Professor of Zoology and Professor of  
Veterinary Medicine, Ludwigs Maximilian  
University, Munich, Germany  
*Perissodactylids: Chemical Immobilization of  
Wild Equids*

**Elizabeth S. Williams, D.V.M., Ph.D.**  
Associate Professor, Department of Veterinary  
Science, University of Wyoming, Laramie,  
Wyoming  
*Animal and Human Welfare: Humane  
Considerations in Immobilization and Study of  
Free-Ranging Wildlife*

**Thomas D. Williams, D.V.M.**  
Veterinarian, Monterey Bay Aquarium, and  
Aqajito Veterinary Hospital, Monterey,  
California  
*Marine Mammals: Rehabilitation of Sea  
Otters*

**Peregrine L. Wolff, D.V.M.**  
Director of Animal Health, Minnesota  
Zoological Garden, Apple Valley, Minnesota;  
Associate Professor, Small and Large Animal  
Clinic, University of Minnesota, St. Paul,  
Minnesota  
*Primates: Parasites of New World Primates*

**Linda J. Lowenstine, D.V.M., Ph.D., Dipl. A.C.V.P.**

Associate Professor of Veterinary Pathology, School of Veterinary Medicine, University of California; Research Associate, California Regional Primate Research Center, Davis, California

*Primates: Nonhuman Primate Retroviruses and Simian Acquired Immunodeficiency Syndrome*

**Rita McManamon, D.V.M.**

Veterinarian, Zoo Atlanta, Atlanta, Georgia

*Animal and Human Welfare: The Humane Care of Captive Wild Animals*

**Thomas P. Meehan, B.S., D.V.M.**

Adjunct Assistant Professor, Veterinary Clinical Medicine, University of Illinois College of Veterinary Medicine, and Veterinarian, Lincoln Park Zoo, Chicago, Illinois

*Insectivora: Medical Problems of Shrews*

**R. Eric Miller, D.V.M., Dipl. A.C.Z.M.**

Associate Veterinarian, St. Louis Zoo Hospital; Adjunct Assistant Professor of Veterinary Medicine and Surgery, and Veterinary Advisor, Black Rhinoceros Species Survey Plan, Rhinoceros Taxonomy Advisory Group, University of Missouri College of Veterinary Medicine, St. Louis, Missouri

*Perissodactylids: Hemolytic Anemia in the Black Rhinoceros*

**Richard J. Montali, D.V.M., Dipl. A.C.Z.M.**

Head, Department of Pathology, National Zoological Park, Smithsonian Institution, Washington, D.C.

*Medical Considerations of Reintroduction; Primates: Viral Hepatitis in New World Primates; Carnivores: Medical Management of Giant Pandas*

**Peter Morkel, B.V.Sc.**

Veterinarian, Private Practice, Namibia, Africa

*Elephants: Current Immobilization Procedures Used in Elephants; Perissodactylids: Capture and Translocation of Free-Ranging Black Rhinoceros: Medical and Management Problems*

**Linda Munson, D.V.M., Ph.D.**

Assistant Professor, Department of Pathobiology, College of Veterinary Medicine,

University of Tennessee, Knoxville, Tennessee  
*Genetics: Inbreeding and Disease in Captive Wild Animals*

**Christopher J. Murphy, D.V.M., Ph.D.**

Assistant Professor, Department of Surgical Sciences, School of Veterinary Medicine, University of Wisconsin—Madison, Madison, Wisconsin

*Diseases of Bird Groups: Ocular Lesions in Birds of Prey*

**D.J. Needham, B.V.Sc., D.D.A.**

Principal, Glenside Veterinary Clinic and Hawthorn Veterinary Clinic, Glenside, South Australia

*Marine Mammals: Cetacean Strandings*

**John H. Olsen, D.V.M.**

Director of Veterinary Services, Busch Gardens, Tampa, Florida

*Elephants: Castration of the Elephant*

**C. Douglas Page, D.V.M.**

Staff Veterinarian, Jacksonville Zoological Park, Jacksonville, Florida

*Current Reptilian Anesthesia Procedures*

**David A. Pass, B.V.Sc., M.Sc., Ph.D., Dipl. A.C.V.P.**

Director, Animal Resources Centre, Murdoch Drive, Murdoch, Western Australia

*Diseases of Free-Ranging Birds: Diseases of Free-Ranging Birds in Australia*

**Joanne Paul-Murphy, D.V.M., Dipl. A.C.Z.M.**

School of Veterinary Medicine, Department of Medical Sciences, University of Wisconsin—Madison, Madison, Wisconsin

*Primates: Bacterial Enterocolitis in Nonhuman Primates*

**M. Cecilia Torres Penedo, M.Sc.**

Staff Research Associate, Veterinary Genetics Laboratory, University of California, Davis, California

*Genetics: Blood Typing in Nondomestic Animals*

**Thomas J. Quan, Ph.D., M.P.H.**

Chief, Diagnosis and Reference Section, Bacterial Zoonoses Branch, Division of Vector-Borne Infectious Diseases, National Center for Infectious Diseases, Centers for Disease Control, Fort Collins, Colorado

*Plague and Tularemia in Rodent Populations*



**James M. Jensen, D.V.M., Dipl. A.C.Z.M.**  
Clinical Associate Professor of Zoological Medicine, Department of Large Animal Medicine and Surgery, College of Veterinary Medicine, Texas A&M University, College Station, Texas

*Diseases of Bird Groups: Ratite Restraint and Handling; Infectious and Parasitic Diseases of Ratites*

**David A. Jessup, B.S., D.V.M., M.P.V.M., Dipl. A.C.Z.M.**

Visiting Lecturer, Department of Epidemiology and Preventive Medicine, and Adjunct Assistant Professor, Department of Immunology and Microbiology, School of Veterinary Medicine, University of California, Davis, California

*Artiodactylids: Translocation of Wildlife; Remote Treatment and Monitoring of Wildlife; Diseases of Wild Sheep*

**LaRue W. Johnson, D.V.M., Ph.D.**

Associate Professor, Department of Clinical Sciences, Colorado State University; Section Head of Food Animal Medicine at Colorado State University Veterinary Teaching Hospital, Fort Collins, Colorado

*Artiodactylids: Infertility Evaluation in Llamas and Alpacas; Abortion in Llamas*

**Janis E. Ott-Joslin, D.V.M.**

Senior Zoo Veterinarian, Woodland Park Zoological Gardens, Seattle, Washington

*Primates: Zoonotic Diseases of Nonhuman Primates*

**Kim L. Joyner, D.V.M., M.P.V.M.**

Staff Veterinarian, Mariana Aviaries; Co-Director, Fundaves; and Director On Site, Guatemala Psittacine Research Project, Guatemala City, Guatemala

*Diseases of Bird Groups: Psittacine Incubation and Pediatrics*

**Randall E. Junge, M.S., D.V.M.**

Adjunct Assistant Professor, Department of Medicine and Surgery, College of Veterinary Medicine, University of Missouri, Columbia, Missouri; Associate Veterinarian, St. Louis Zoological Park, St. Louis, Missouri

*Artiodactylids: Peracute Mortality Syndrome Giraffes*

**James K. Kirkwood, B.V.Sc., Ph.D., M.R.C.V.S.**

Senior Veterinary Officer, Institute of Zoology, Zoological Society of London, Regent's Park, London, England

*Carnivores: Medical Management of Pandas in Europe*

**Michael D. Kock, B.V.M., M.P.V.M., M.R.C.V.S.**

Veterinarian, Department of National Parks and Wildlife Management, Harare, Zimbabwe, Africa

*Elephants: Current Immobilization Procedures Used in Elephants; Perissodactylids: Capture and Translocation of Free-Ranging Black Rhinoceros: Medical and Management Problems*

**Richard A. Kock, M.A., Vet.M.B., M.R.C.V.S.**

Chief Veterinary Officer, Kenya Wildlife Service, Nairobi, Kenya

*Elephants: Current Immobilization Procedures Used in Elephants*

**Bill L. Lasley, Ph.D.**

Professor in Residence, University of California, Davis, California

*Genetics: Methods for Assessing Reproduction in Nondomestic Species*

**Nicholas W. Lerche, D.V.M., M.P.V.M.**

Assistant Adjunct Professor, California Regional Primate Research Center and Department of Epidemiology and Preventive Medicine, School of Veterinary Medicine, University of California, Davis, California

*Primates: Emerging Viral Diseases of Nonhuman Primates in the Wild; Nonhuman Primate Retroviruses and Simian Acquired Immunodeficiency Syndrome*

**Michael R. Loomis, D.V.M., M.A., Dipl. A.C.Z.M.**

Director, Hanes Veterinary Medical Center, North Carolina Zoological Park, Asheboro, North Carolina; Adjunct Associate Professor, North Carolina State University College of Veterinary Medicine, Raleigh, North Carolina

*Identification of Animals in Zoos*

**Nalda M. Loskutoff, Ph.D.**

Reproductive Physiologist, Omaha's Henry Doorly Zoo, Omaha, Nebraska

*Artiodactylids: Giraffid Reproduction*

**Linda J. A.C.V.P.**  
Associate School of California Regional California Primate and Simian Syndrome

**Rita McM**  
Veterinarian  
*Animal Care of C*

**Thomas P**  
Adjunct Clinical Medicine College of Veterinary Medicine Illinois  
*Insectiv*

**R. Eric M**  
Associate Hospital; Veterinary Veterinary Survey Planning Group, University of Veterinary Medicine  
*Perissodactylids: Black Rhinoceros*

**Richard J.**  
Head, Department of Zoological Washington  
*Medical Primates: Veterinary Primates; Giant Panda*

**Peter Mork**  
Veterinarian  
*Elephants Procedures Capture and Black Rhinoceros Problems*

**Linda Muns**  
Assistant Pathobiologist



and depend on the species causing the infection. Treatment should be based on recommendations for the human diseases after consultation with a tropical disease specialist or the CDC.

## References

1. (AMA) American Medical Association: Drug Evaluations (ed 6). Philadelphia, WB Saunders, 1986.
2. Baker JR: Lesions in the central nervous system of a chimpanzee infected with *Trypanosoma brucei rhodesiense*. Trans R Soc Trop Med Hyg 64:14, 1970.
3. Coatney GR, Collins WE, McWilson W, et al: The Primate malaras. Bethesda, National Institute of Allergy and Infectious Diseases, 1971.
4. Draper CC, Killick-Kendrick R, Hutchison WM, et al: Experimental toxoplasmosis in chimpanzees. Br Med J 2:375, 1971.
5. Fayer R, Heydorn AD, Johnson AJ, et al: Transmission of *Sarcocystis sui hominis* from humans to swine to nonhuman primates (*Pan troglodytes*, *Macaca mulatta*, *Macaca iris*). Z Parasitenkd 59:15, 1979.
6. Godfrey DG, Killick-Kendrick R: Cyclically transmitted

- infections of *Trypanosoma brucei*, *T. rhodesiense* and *T. gambiense* in chimpanzees. Trans R Soc Trop Med Hyg 61:781, 1967.
7. Kim JC, Abce CR, Wolf RH: Balantidiosis in a chimpanzee (*Pan troglodytes*). Lab Anim 12:231, 1978.
8. McClure HM, Guilloud NB: Comparative pathology of the chimpanzee. In GH Bourne (ed): The chimpanzee, vol 4. New York, S Karger, 1971, pp 104-272.
9. Panosian C: Parasitic diarrhea. Infect Dis Clin North Am 2:685, 1988.
10. Peters W: Malaria of the orang-utan (*Pongo pygmaeus*). Philos Trans R Soc Lond [Biol] 275:439, 1976.
11. Seibold HR, Wolf RH: American trypanosomiasis (Chagas' disease) in *Hylobates pileatus*. Lab Anim Sci 20:515, 1970.
12. Shaddock JA, Pakes SP: Protozoal and metazoal diseases. In Benirschke K, Garner FM, Jones TC (eds): Pathology of laboratory animals. New York, Springer-Verlag, 1978, pp 1587-1696.
13. Teare JA, Loomis MR: Epizootic of balantidiasis in lowland gorillas. J Am Vet Med Assoc 181:1345, 1982.
14. Toft JD II: The pathoparasitology of nonhuman primates: A review. In Benirschke K (ed): Primates: The road to self-sustaining populations. New York, Springer-Verlag, 1986, pp 571-669.

## VIRAL HEPATITIS IN NEW WORLD PRIMATES

Ed Ramsay

Richard J. Montali

Viral hepatitis is one of the more interesting and perplexing medical problems of New World primates. These animals are susceptible both to spontaneous and experimentally induced viral infections, including several agents that cause hepatic disease in humans. The several forms of spontaneous or naturally occurring hepatitis are of primary interest because of their impact on individual animals or the colonies. The types of human hepatitis that have been experimentally passed to New World primates, as models for the study of human infections, generally produce mild to no clinical disease in nonhuman primates. Other viral infections of New World primates cause liver lesions, but only those considered as primarily hepatotropic diseases are covered here.

### YELLOW FEVER

Yellow fever is an endemic viral disease of primates in South and Central America and Africa. Members of the genera *Alouatta*, *Ateles*, *Aotus*, *Callicebus*, *Cebus*, *Saimiri*, and *Saguinus* are susceptible to yellow fever, with howler monkeys (*Alouatta* sp.) most susceptible. In humans, yellow fever varies from mild to fulminating, with approximately 10% mortality. The clinical course and pathology of yellow fever are

similar in New World primates and humans. Highly fatal epizootics of yellow fever have been reported in nonhuman primates in Central and South America. Yellow fever is caused by an arbovirus group B flavivirus. It is transmitted from monkey to monkey (sylvatic cycle) by mosquitoes, primarily *Aedes* sp. The incubation period is short, 3 to 5 days, and death may follow within 14 to 25 hours.<sup>12</sup> Clinical signs in primates include fever, lethargy, hemorrhages, jaundice, and vomiting of blood.

Laboratory manifestations of yellow fever include leukopenia, albuminuria, and elevations of serum aspartate aminotransferase (AST), alanine aminotransferase (ALT), and bilirubin levels at the onset of clinical signs. At necropsy there is jaundice, petechial hemorrhages, and an enlarged, soft, yellowish liver. Typical histological changes include midzonal hepatocellular necrosis with minimal inflammation and the presence of Councilman bodies, rounded eosinophilic segments of degenerate hepatocytes that lie free in the sinusoids or within Kupffer cells. Necrosis is also observed in the spleen, lymph nodes, and kidney tubules. Survivors of infections are immune to subsequent challenges by the yellow fever virus.<sup>16</sup>

Because the incubation period is shorter than the quarantine period of most primate facilities for new arrivals,<sup>12</sup> yellow fever is seldom observed outside its endemic area. Primates for export from endemic areas should be housed in mosquito-proof containers for 9 days prior to shipment. Yellow fever can be transmitted to animals in transit through endemic areas, and all primates traveling through these areas should be in mosquito-proof containers. Vaccination is recommended for animals held in endemic areas and for handlers of primates arriving from endemic areas.

## CALLITRICHID HEPATITIS

The most recently described, naturally occurring viral hepatitis of New World primates is callitrichid hepatitis (CH), an acute, highly fatal disease that affects members of the families Callitrichidae and Callimiconidae. Since 1981, 12 outbreaks of CH have been identified in 10 American zoos,<sup>23</sup> and an outbreak of a similar disease has been reported in a British zoo.<sup>20</sup> To date, CH has not been identified as a clinical disease of other species of primates or at primate research centers.

The callitrichid hepatitis virus (CHV) has been shown to be an arenavirus, 67 to 130 nm in size, closely related to lymphocytic choriomeningitis virus (LCMV).<sup>26</sup> Several arenaviruses are zoonotic agents, for which rodents are known carriers. It was previously speculated that rodents might act as a reservoir for this disease,<sup>23</sup> and the identification of the agent as an arenavirus strengthens that hypothesis.

Callitrichid hepatitis is characterized by sporadic outbreaks within collections with high mortality, frequently approaching 100% within affected family groups of marmosets and tamarins. The natural infection incubation time is unknown, but deaths within family groups of tamarins have occurred over periods ranging from weeks to months. Tamarins infected experimentally show clinical signs and serum chemistry changes within 7 days of infection.<sup>21</sup>

The clinical signs of CH are subtle and often nonspecific. Anorexia, depression, and lethargy may be observed, but more frequently death occurs without premonitory signs. Jaundice has been observed more commonly postmortem than antemortem. Clinical pathology changes associated with both natural and experimental infections include lymphocytosis, elevated serum AST and alkaline phosphatase levels, and bilirubinemia.

Necropsy findings in CH include jaundice, subcutaneous and intramuscular hemorrhage, hepatosplenomegaly, and pleuropericardial effusions. The major histological changes are hepatocellular swelling and necrosis, with mild lymphocytic and neutrophilic inflammation. Acidophilic bodies are found, similar to the Councilman bodies that occur in yellow fever; these are believed to be remnants of degenerated hepatocytes. Necrosis also occurs in the spleen, lymph nodes and, to a lesser extent, in other parenchymal organs, indicating that CH is a systemic disease that is primarily hepatotropic.

The diagnosis of CH is suggested by characteristic histological changes in susceptible species, and can be confirmed by the evaluation of serum and liver tissue using immunoblot assays.<sup>27</sup> Naturally and experimentally infected animals have serum antibodies to CH. Seropositive, asymptomatic animals have been identified in institutions that have experienced outbreaks of CH, but these animals have not been associated with the seroconversion of other primates.<sup>23</sup> Humans exposed to infected animals have developed antibodies to CHV, but without signs of illness. The isolation of CHV permits the development of serologic tests for antibodies to CHV and

the surveillance of captive and wild populations for evidence of infection.

Callitrichid hepatitis is of particular interest because of its virulence in the genus *Leontopithecus*, which includes several endangered tamarin species. The golden lion tamarin, *L. rosalia rosalia*, is a species whose captive propagation has been a long-term focus of the zoo community. Captive-reared individuals are being reintroduced into Brazil to augment depleted wild populations.<sup>3</sup> A primary goal of studies on CH is to prevent the introduction of this potentially catastrophic disease to wild populations from repatriated animals.

## HERPESVIRUS TAMARINUS (INCLUSION BODY HEPATITIS)

Herpesvirus tamarinus (herpes T or herpes platyrrhinae), is thought to be the agent that causes inclusion body hepatitis of marmosets and owl monkeys.<sup>24</sup> More commonly, this virus causes a more generalized disease, with lesions in a wide variety of tissues. The squirrel monkey, *Saimiri* sp., is believed to be the natural host and principal reservoir for the virus. Members of the genera *Saimiri*, *Cebus*, *Aotus*, *Ateles*, *Callithrix*, *Saguinus*, and others are affected by herpesvirus tamarinus, with the owl monkey, *Aotus trivirgatus*, being especially susceptible to infection.<sup>22</sup>

The infection may be subclinical or animals may have oral and labial ulcers, signs of upper respiratory infections, or diarrhea. Pathological changes include the widespread necrosis of most organs, with characteristic intranuclear inclusions, which differentiate this disease from other viral causes of hepatitis in New World primates. Herpesvirus tamarinus infection is controlled by screening imported animals for antibodies to the virus and by not housing squirrel monkeys with other New World primate species.

## HUMAN HEPATITIS A VIRUS

Human hepatitis A virus (HAV), also known as infectious hepatitis, is a disease of humans with worldwide distribution. The discovery in the mid-1960s that HAV infects marmosets led to the first animal model for the study of this disease.<sup>6</sup> Antibodies to HAV have been found in members of the genera *Cebus*, *Callithrix*, *Ateles*, *Lagothrix*, and *Aotus*. Surveys of colony-held animals demonstrated that 40% of the *Cebus* monkeys, 50% of the common marmosets (*Callithrix jacchus*), and 60% of the owl monkeys had antibodies to HAV.<sup>9, 18</sup> Only the owl monkey (*Aotus trivirgatus*) and members of *Saguinus* sp. have been reproducibly infected experimentally. The mustached tamarin, *S. mystax*, and the owl monkey appear to be particularly susceptible to infection.<sup>15, 31</sup>

HAV is caused by a picornavirus, one of the enteroviruses, 27 nm in size. Natural infections in humans occur by fecal-oral transmission, but most nonhuman primate studies use parenteral inoculation

to induce  
mosets;  
mild illi  
may exc  
oculation  
(mean  
ALT le  
marmos  
serum i  
to be th  
in marm  
ured in

Histo  
degener  
and infl  
the lobu  
Lympho  
localize  
triads.

those of

In mo  
2 weeks  
weeks.

to 6 wee  
4 to 10  
before ti

Diagn  
from stu  
should  
nonhum  
for HA  
currently

## HUMAN

Natur  
(HBV; s  
New Wo  
antigen  
"a numb  
HBV sur  
(species  
*geoffroyi*  
firmed.<sup>7</sup>  
primates  
keys (*Lu*  
HBV to  
*Saimiri*,

## HUMAN

Non-A  
and nam  
which no  
Since the  
least two  
causative  
blood tra  
hepatitis  
(fecal-ora  
blood tra  
NANBH

to induce infection. Clinical signs of HAV in marmosets are generally uncommon, but may range from mild illness to death. Serum AST and ALT levels may exceed normal between 14 and 37 days postinoculation. The AST level may peak at 645 U/ml (mean normal marmoset value,  $97 \pm 26$  U/ml) and ALT levels may exceed 1500 U/ml (mean normal marmoset value,  $31 \pm 10$  U/ml).<sup>19</sup> Elevation of the serum isocitrate dehydrogenase (ICD) level appears to be the most sensitive indicator of HAV infection in marmosets, but this enzyme is not routinely measured in clinical situations.<sup>15</sup>

Histological findings include spotty hepatocellular degeneration and necrosis, Kupffer cell proliferation, and inflammation. The necrosis occurs throughout the lobule but is more intense in centrilobular areas. Lymphocytes, plasma cells, and neutrophil infiltrates localize in areas of cellular necrosis and the portal triads. Overall histological changes are similar to those of liver lesions caused by HAV in humans.

In most primate studies, virus shedding begins 1 to 2 weeks prior to clinical signs and persists for 1 to 4 weeks. Antibodies to HAV appear approximately 4 to 6 weeks postinoculation. Shedding of HAV begins 4 to 10 days after infection and ceases at or slightly before the development of humeral antibodies.<sup>17</sup>

Diagnostic tests for HAV were largely developed from studies of infected marmosets, and human tests should be useful for evaluation of the disease in nonhuman primates. Serum samples may be screened for HAV antigen and antibody. No vaccines are currently available commercially for HAV.

## HUMAN HEPATITIS B VIRUS

Natural infections with human hepatitis B virus (HBV; serum hepatitis) have not been observed in New World primates. Antibodies to HBV surface antigen have been observed in captive *Saimiri*<sup>9</sup> and "a number of New World monkey species."<sup>20</sup> Human HBV surface antigen has been reported in marmosets (species unspecified), and red spider monkeys (*Ateles geoffroyi*), although the latter report is poorly confirmed.<sup>7</sup> The experimental inoculation of New World primates has produced infection only in woolly monkeys (*Lagothrix lagotricha*).<sup>2</sup> Attempts to transmit HBV to members of the genera *Callithrix*, *Aotus*, *Saimiri*, and *Cebus* were consistently negative.<sup>2, 20</sup>

## HUMAN NON-A, NON-B HEPATITIS

Non-A, non-B hepatitis (NANBH) was recognized and named in the mid-1970s to describe hepatitis in which no evidence of HAV or HBV could be found. Since then, it has become apparent that there are at least two distinct forms of NANBH, with different causative agents.<sup>11</sup> Those infections associated with blood transfusions are now mostly referred to as hepatitis C (HCV) and those related to poor hygiene (fecal-oral transmission) and not associated with blood transfusions are called enterically transmitted NANBH (ET-NANBH). The relationships among

the GB agent, which has been demonstrated to cause hepatitis in marmosets and tamarins, and the causative agents of human NANBH remains unclear. The GB agent is discussed separately (see later).

The results of experimental inoculation of marmosets with ET-NANBH have varied.<sup>4</sup> Some investigators have claimed that several species of *Saguinus* are resistant to infection by at least one HCV agent, whereas others have found *Saguinus* sp. to be susceptible to the parenteral inoculation of sera from human HCV patients.<sup>10, 29</sup> Marmoset infections with HCV are usually subclinical, with elevations of serum ALT and ICD levels occurring 1 to several weeks after inoculation, and remaining elevated for months.<sup>14</sup> Histological changes include focal hepatitic necrosis, with mononuclear cell inflammation. In some animals, the mononuclear cell infiltrates within the sinusoids and portal tracts may become quite dense.

ET-NANBH has been experimentally transmitted to *Saguinus* sp.<sup>3</sup> The clinical course and serum chemistry changes observed were similar to those in HCV infections. Liver changes in ET-NANBH show more parenchymal necrosis than portal involvement.<sup>28</sup>

The diagnosis of HCV and ET-NANBH is based on elevations of serum enzyme levels and on the absence of demonstrable HAV or HBV antibodies or antigens in serum and/or liver tissue. Serological tests for HCV have become commercially available but are of unknown value for use in New World primates. The clinical signs for all forms of human viral hepatitis (HAV, HBV, HCV, and ET-NANBH) in nonhuman primates are indistinguishable, and diagnosis therefore relies on serology, anamnesis, and/or the exclusion of other agents.

## GB AGENT HEPATITIS

GB hepatitis is a disease of *Saguinus* and *Callithrix* species that remains shrouded in controversy. There have been no described natural infections by the GB agent in nonhuman primates. The disease was originally induced by the inoculation of a tamarin with serum from a human surgeon with hepatitis.<sup>7</sup> The GB agent has been shown to be distinct from human hepatitis A and C viruses.<sup>13</sup> The questions of whether the GB agent represents a feral tamarin hepatitis virus, is related to other causative agents of human NANBH hepatitis, or is a novel human hepatitis agent remains unanswered.

The GB agent is a 20 to 22 nm virus.<sup>1</sup> It produces infection by both the oral and parenteral routes,<sup>8</sup> with an incubation period of 12 to 47 days. Infections are usually subclinical, and can be documented by elevations of the serum ALT level and by liver biopsy. Clinical chemistry changes and liver lesions are most severe about 4 weeks postinfection (PI) and return to normal approximately 10 weeks PI. Histological changes in the liver include mononuclear infiltrates of the sinusoids and portal tracts, with foci of hepatocellular necrosis. Mortality is generally low and infection appears to confer immunity to subsequent GB agent infection, but not to infection by other known human hepatitis viruses.<sup>13</sup>

## References

- Almeida JD, Dienhardt F, Holmes AW, et al: Morphology of the GB hepatitis agent. *Nature* 261:608, 1976.
- Barker LF, Maynard JE, Purcell RH, et al: Viral hepatitis, type B, in experimental animals. *Am J Med Sci* 270:189, 1975.
- Beck BB, Kleiman DG, Dietz JM, et al: Losses and reproduction in reintroduced golden lion tamarins. Dodo Jersey Wildl Preserv Trust (in press).
- Bradley DW: Transmission, etiology, and pathogenesis of viral hepatitis non-A, non-B in non-human primates. In Chisari FV (ed): *Advances in Hepatitis Research*. New York, Masson, 1984, pp 268-280.
- Bradley DW, Krawczynski K, Cook EH, et al: Enterically transmitted non-A, non-B hepatitis: Serial passage of disease in cynomolgus macaques and tamarins and recovery of disease-associated 27- to 34-nm virus-like particles. *Proc Natl Acad Sci USA* 84:6277, 1987.
- Deinhardt F: Hepatitis in marmosets: An introduction. *Primate Med* 10:272, 1978.
- Deinhardt F: The use of nonhuman primates in human hepatitis. In Kalter SS (ed): *Viral and immunological diseases in nonhuman primates*. New York, Alan R Liss, 1983, pp 135-148.
- Deinhardt F, Peterson D, Cross G, et al: Hepatitis in marmosets. *Am J Med Sci* 270:73, 1975.
- Eichberg JW, Kalter SS: Hepatitis A and B: Serologic survey of human and nonhuman primate sera. *Lab Anim Sci* 30:541, 1980.
- Feinstone SM, Alter HJ, Diennes HP, et al: Non-A, non-B hepatitis in chimpanzees and marmosets. *J Infect Dis* 144:588, 1981.
- Hollinger FB: Non-A, non-B hepatitis viruses. In Fields BN, Knipe DM (eds): *Virology*. New York, Raven Press, 1990, pp 2239-2273.
- Hunt RED, Carlton WW, King NW: Viral diseases. In Benirschke K, Garner FM, Jones TC (eds): *Pathology of laboratory animals*. New York, Springer-Verlag, 1978, pp 1303-1354.
- Karayiannis P, Petrovic LM, Fry M, et al: Studies of GB hepatitis agent in tamarins. *Hepatology* 9:186, 1989.
- Karayiannis P, Scheuer PT, Bamber M, et al: Experimental infection of tamarins with human non-A, non-B hepatitis virus. *J Med Virol* 11:251, 1983.
- Keenan CM, Lemon SM, LeDuc JW: Pathology of hepatitis A infection in the owl monkey (*Aotus trivirgatus*). *Am J Pathol* 115:1, 1984.
- King NW: Synopsis of the pathology of New World monkeys. *Proceedings of the First Inter-American Conference on Conservation*, PAHO-WHO p 169, 1976.
- LeDuc JW, Escajadillo A, Lemon SM: Hepatitis A virus among captive Panamanian owl monkeys. *Lancet* 19:1427, 1981.
- Lemon SM, LeDuc JW, Binn LN: Transmission of hepatitis A infection among recently captured Panamanian owl monkeys. *J Med Virol* 10:25, 1982.
- Lorenz D, Barker L, Stevens D, et al: Hepatitis in the marmoset, *Saguinus mystax*. *Proc Soc Exp Biol Med* 135:348, 1970.
- Lucke VM, Bennett AM: An outbreak of hepatitis in marmosets in a zoological collection. *Lab Anim* 16:73, 1982.
- Montali RJ, Ramsay EC, Stephenson CB, et al: A new transmissible viral hepatitis of marmosets and tamarins. *J Infect Dis* 160:759, 1989.
- Ott-Joslin JE: Viral diseases in nonhuman primates. In Fowler ME (ed): *Zoo and wild animal medicine* (ed 2). Philadelphia, WB Saunders, 1986, pp 674-697.
- Ramsay EC, Montali RJ, Worley M, et al: Callitrichid hepatitis: Epizootiology of a fatal hepatitis in zoo tamarins and marmosets. *J Zoo Wildl Med* 20:178, 1989.
- Sauer RM, Bishop RW: Inclusion body hepatitis in marmosets. *Lab Anim Care* 13:790, 1963.
- Scott RA, Holmes KV, Scanga CA, et al: An update of the epizootiology of callitrichid hepatitis. *Proc Am Assoc Zoo Vet* 261, 1990.
- Stephenson CB, Jacob JR, Montali RJ, et al: Isolation of an arenavirus from a marmoset with callitrichid hepatitis and its serologic association with disease. *J Virol* 65:3995, 1991.
- Stephenson CB, Montali RJ, Ramsay EC, et al: Identification, using sera from exposed animals, of putative viral antigens in livers of primates with callitrichid hepatitis. *J Virol* 64:6349, 1990.
- Tabor E: Nonhuman primate models for non-A, non-B hepatitis. *Cancer Detect Prevent* 14:221, 1989.
- Watanabe T, Katagiri J, Kojima H, et al: Studies on transmission of human non-A, non-B hepatitis to marmosets. *J Med Virol* 22:143, 1987.
- World Health Organization: Viral hepatitis (tech rep 512). Geneva, World Health Organization, 1973, p 36.
- Zuckerman AJ, Howard CR: *Hepatitis viruses of man*. San Francisco, Academic Press, 1979, p 167.

## ZOONOTIC DISEASES OF NONHUMAN PRIMATES

Janis E. Ott-Joslin

Taxonomically, nonhuman primates are closely related to humans. In a captive situation, this predisposes both the nonhuman primate and the human to interchanging pathogens. The more closely related the nonhuman primate is to humans, the greater the number of pathogens that may be exchanged. The greater the phylogenetic separation, the greater the chance of the human or nonhuman primate reacting

severely to many pathogens that are harmless to their hosts (e.g., herpes B and herpes hominis). The exchanges may be from the nonhuman primate to humans (zoonotic exchanges), or back and forth between nonhuman primates and humans (anthropozoonotic; Table 31-3).<sup>1, 12, 17</sup>

Those involved with the direct care of nonhuman primates (e.g., keepers, veterinarians) and indirect care (e.g., medical technologists) should be aware of the potential risks to the nonhuman primates and themselves. The pathogens involved are bacterial, mycoplasmal, spirochetal, fungal, parasitic, and viral. The pathogens may be spread by several means such as physical contact, which includes biting or scratching and handling animals or their tissues (e.g., excrement, secretions, blood), airborne transmission (in

Bacterial i  
Shigello

Salmon

Campylo  
(Camp)  
Mycobac  
tuberc

Streptoc  
pneum

Mycobac

Viral infect  
Herpesv:  
Herpes  
(her)

Varice  
(chic)

Molluscu

Paramyx  
Paraint  
myxo  
(infl)

Measle

26. Lowenstine LJ, Lerche NW: Retrovirus infections of nonhuman primates: A review. *J Zoo Anim Med* 19:168, 1988.
27. Lowenstine LJ, Lerche NW, Jennings M, et al: An epizootic of simian AIDS caused by SIV in captive macaques in the 1970s. In Girard M, Valette L (eds): *Retroviruses of human AIDS and related animal viruses*. Paris, Pasteur Vaccines, 1987, pp 174-176.
28. Lowenstine LJ, Lerche NW, Yee JA, et al: Evidence for a lentiviral etiology in an epizootic of immunodeficiency and lymphoma in stump-tailed macaques (*Macaca arctoides*). *J Med Primatol* 21:1, 1992.
29. Lowenstine LJ, Pedersen NC, Higgins J, et al: Seroepidemiologic survey of captive Old World primates for antibodies to human and simian retroviruses and isolation of a lentivirus from sooty mangabeys (*Cercocebus atys*). *Int J Cancer* 38:563, 1986.
30. Maul DH, Lerche NW, Osborn KG, et al: Pathogenesis of simian AIDS in rhesus macaques inoculated with the SRV-1 strain of type D retrovirus. *Am J Vet Res* 47:863, 1986.
31. McCarthy TJ, Kennedy JL, Blakeslee JR, et al: Spontaneous malignant lymphoma and leukemia in a simian T-lymphotropic virus type I (STLV-I) antibody-positive olive baboon. *Lab Anim Sci* 40:79, 1990.
32. McClure HM, Anderson DC, Fultz PN, et al: Spectrum of disease in macaque monkeys chronically infected with SIV<sub>mac</sub>. *Vet Immunol Immunopathol* 21:13, 1989.
33. Miller CJ, Alexander NJ, Sutjipto S, et al: Genital mucosal transmission of simian immunodeficiency virus: Animal model for heterosexual transmission of human immunodeficiency virus. *J Virol* 63:4277, 1989.
34. Miyoshi I, Fujishita M, Taguchi H, et al: Horizontal transmission of adult T-cell leukaemia virus from male to female Japanese monkey. *Lancet* 2:241, 1983.
35. Muchmore E: An overview of biohazards associated with nonhuman primates. *J Med Primatol* 16:55, 1987.
36. Murphey-Corb M, Martin LN, Rangan SRS, et al: Isolation of an HTLV-III-related retrovirus from macaques with simian AIDS and its possible origin in asymptomatic mangabeys. *Nature* 321:435, 1986.
37. Nicol I, Flamminio-Zola G, Dubouch P, et al: Persistent HIV-2 infection of rhesus macaque, baboon and mangabeys. *Intervirology* 30:258, 1989.
38. Noda Y, Ishikawa K-I, Sasagawa A, et al: Hematologic abnormalities similar to the preleukemic state of adult T-cell leukemia in African green monkeys naturally infected with simian T-cell leukemia virus. *Jap J Cancer Res* 77:1227, 1986.
39. Ohta Y, Masuda T, Tsujimoto H, et al: Isolation of simian immunodeficiency virus from African green monkeys and seroepidemiologic survey of the virus in various non-human primates. *Int J Cancer* 41:115, 1988.
40. Osborn KG, Prahalada S, Lowenstine LJ, et al: The pathology of an epizootic of acquired immunodeficiency in rhesus macaques. *Am J Pathol* 114:94, 1984.
41. Peeters M, Honore C, Huet T, et al: Isolation and partial characterization of an HIV-related virus occurring naturally in chimpanzees in Gabon. *AIDS* 3:625, 1989.
42. Richardson JH: Basic considerations in assessing and preventing occupational infections in personnel working with nonhuman primates. *J Med Primatol* 16:83, 1989.
43. Sakakibara I, Sugimoto U, Sasagawa L, et al: Spontaneous malignant lymphoma in an African green monkey naturally infected with simian T-lymphotropic virus (STLV). *J Med Primatol* 15:311, 1986.
44. Srivastava BIS, Wong-Staal F, Getchell JP: Human T-cell leukemia virus I provirus and antibodies in a captive gorilla with non-Hodgkin's lymphoma. *Cancer Res* 46:4756, 1986.
45. Thiry L, Sprecher-Goldberger S, Bossens M, et al: Neutralization of Mason-Pfizer virus by sera from patients treated for renal disease. *J Gen Virol* 41:587, 1978.
46. Tsujimoto H, Cooper RW, Kodama T, et al: Isolation and characterization of simian immunodeficiency virus from mandrills in Africa and its relationship to other human and simian immunodeficiency viruses. *J Virol* 62:4044, 1988.
47. Voevodin AF, Lapin BA, Yakovleva LA, et al: Antibodies reacting with human T-lymphotropic retrovirus (HTLV-1) or related antigens in lymphomatous and healthy hamadryas baboons. *Int J Cancer* 36:579, 1985.
48. Yamamoto N, Okada M, Hinuma Y, et al: Human adult T-cell leukemia virus is distinct from a similar isolate of Japanese monkeys. *J Gen Virol* 65:2259, 1984.

## PARASITES OF NEW WORLD PRIMATES

Peregrine L. Wolff

New World primates are host to a wide variety of internal and external parasites. Most of these parasites are well adapted to their hosts and appear to cause little pathology. However, some cause severe disease that can even result in the death of the primate host.

Tables 31-13 and 31-14 are a summary of parasites that have been reported in New World primates, the clinical disease caused, methods used to diagnose the infection, and reported treatments.<sup>1-20</sup> All parasites that are considered to be zoonotic from New World primates are marked with an asterisk (\*) before the genus name.

References begin on page 389

Table 31-13. INTERNAL PARASITES

Parasite	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment	Comments
Protozoa						
Flagellates						
Hemoflagellates						
* <i>Trypanosoma cruzi</i>	Blood	Callithricidae, Cebidae	Edema, anemia, lymphadenitis, splenomegaly, hepatomegaly, myocarditis	Blood smear, organ smear, organ section, serological tests	None; control of insect vector	<i>T. cruzi</i> only trypanosome found to be pathogenic in New World primates; intermediate hosts are insects from family Reduviidae
<i>Trypanosoma</i> sp.	Blood	Callithricidae, Cebidae	No pathological effect	Blood smear	None; control of insect vector	
Enteric flagellates						
* <i>Trichomonas</i> sp.	Intestine	Callithricidae, Cebidae	Diarrhea	Fecal swabs, saline wet mount—fresh feces	Metronidazole 17.5–25 mg/kg, bid for 10 days	High rates of infection with <i>Trichomonas</i> have been found in <i>Saimiri</i> ; no pathological effects reported
<i>Pentatrichomonas</i> sp.	Cecum, colon	Cebidae	Unknown	Saline wet mount—fresh feces	Metronidazole 17.5–25 mg/kg, bid for 10 days	
<i>Chilomastix</i> sp.	Cecum, colon	Callithricidae, Cebidae	None	Saline wet mount—fresh feces	Metronidazole 17.5–25 mg/kg, bid for 10 days	
* <i>Giardia</i> sp.	Anterior small intestine	Cebidae	Diarrhea	Saline wet mount—fresh feces, fecal concentration for cysts	Metronidazole 17.5–25 mg/kg, bid for 10 days	<i>Giardia</i> sp. infections apparently rare in New World primates
Sarcodina (ameba)						
* <i>Entamoeba histolytica</i>	Cecum, colon	Callithricidae, Cebidae	Diarrhea	Saline wet mount, iodine stain	Metronidazole 17.5–25 mg/kg, bid for 10 days; paromomycin, 12.5–15 mg/kg, bid for 5–10 days	Although common in Old World primates, natural infection of New World primates appears to be rare; infection with <i>E. histolytica</i> in New World primates, however, reported to cause greater pathogenicity than in Old World primates; neotropical primates have a number of amebic commensals, so positive diagnosis of <i>E. histolytica</i> should be attempted
<i>Entamoeba</i> sp.	Cecum, colon	Callithricidae, Cebidae	None	Saline wet mount		
<i>Iodamoeba bütschlii</i>	Cecum, colon	Cebidae	None	Saline wet mount, iodine stain		
<i>Endolimax nana</i>	Cecum, colon	Cebidae	None	Saline wet mount, iodine stain		
Sporozoans (Coccidia)						
<i>Isospora</i> sp.	Intestine	Callithricidae	None; diarrhea	Fecal flotation, saline wet mount	Sulfamethoxine 50 mg/kg/day first day, then 25 mg/kg/day; coccidiostats	Coccidia have not been reported commonly in New World primates; clinical disease appears to be rare Table continued on following page

Table 31-13. INTERNAL PARASITES Continued

Parasite	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment	Comments
<i>Sarcocystis</i> sp.	Skeletal muscle, cardiac muscle, esophagus, diaphragm	Callithricidae	Steatitis, myositis	Histological or gross examination of tissue	None	<i>Sarcocystis</i> sp. have been reported as natural infections in New World primates, which play role of intermediate host
* <i>Toxoplasma gondii</i>	Brain, lungs, liver, heart, kidney, lymph node, blood, intestine	Callithricidae, Cebidae	Anorexia, neurological disease, diarrhea	Serology, histological section	Sulfadiazine 100 mg/kg/day, pyrimethamine (load with 2 mg/kg/day for 3 days) then 1 mg/kg/day supplement with folic acid. Clindamycin 12.5-25 mg/kg/bid	<i>T. gondii</i> has been reported as a natural infection in New World primates, who appear to be highly sensitive to the disease, with illness and death being reported to occur in 5-6 days; treatment has been reported to be somewhat successful in people and dogs
* <i>Plasmodium brasilianum</i>	Erythrocytes	Callithricidae, Cebidae	Anemia, fever, hepatosplenomegaly, depression, death; quartan malaria (72-hour fever cycle)	Blood smear	Chloroquine phosphate 10 mg/kg orally or IM, followed by 5 mg/kg 6 hours later, then 5 mg/kg/day for 2 days and primaquine, 0.3 mg/kg/day, for 14 days	Only two species of <i>Plasmodium</i> naturally infect New World primates, but many neotropical primates have been used as animal models for human malaria; <i>P. brasilianum</i> is very similar to <i>P. malariae</i> of humans and may have been introduced by early explorers, becoming a mutant strain in New World primates; this may account for its pathogenicity in the primate host; <i>P. simium</i> found in southern Brazil, appears only to affect <i>Alouatta</i> and <i>Brachyteles</i>
* <i>Plasmodium simium</i>	Erythrocytes	<i>Alouatta</i> , <i>Brachyteles</i> only	None reported in host species, tertiary malaria (48-hour fever cycle)	Blood smear		<i>P. carinii</i> does not occur naturally, but has been found to infect colony primates; only a problem in immunocompromised host
<i>Pneumocystis carinii</i>	Bronchioles, alveoli	Callithricidae	Interstitial pneumonia	Pulmonary secretions, histopathological section	Trimethoprim 20 mg, sulfamethoxazole 25 mg/kg qid	
Ciliates <i>Balantidium coli</i>	Colon	Cebidae	None or diarrhea, ulcerative colitis	Saline wet mount—fresh feces	Metronidazole 30-50 mg/kg bid for 10 days; doxycycline 5 mg/kg bid day 1, followed by 2.5 mg/kg/day	<i>B. coli</i> is only ciliate reported in New World primates; pathogenicity appears low in these species
Nematodes Rhabdidata <i>Strongyloides cebus</i>	Duodenum, jejunum	Cebidae	Diarrhea, debilitation, emaciation	Fecal flotation, Baermans	Thiabendazole, 50 mg/kg/day for 2 days; mebendazole, 15 mg/kg/day for 3 days; levamisole, 10 mg/kg; ivermectin, 200 µg/kg	Like all strongyloides, there are indirect and direct life cycles; unlike <i>S. stercoralis</i> , however, eggs of <i>S. cebus</i> do not hatch until shed in feces; larvae are not zoonotic because they cannot penetrate human skin

Strongylidae  
\**Necator americanus*

Small intestine

Cebidae

Enteritis

Fecal flotation

Thiabendazole;  
mebendazole

Natural infections with this common  
human hookworm believed

kg/day for 2 days;  
mebendazole, 15 mg/  
kg/day for 3 days;  
levamisole, 10 mg/kg;  
ivermectin, 200 µg/kg

indirect and direct life cycles;  
unlike *S. stercoralis*, however,  
eggs of *S. cebus* do not hatch until  
shed in feces; larvae are not  
zoonotic because they cannot  
penetrate human skin

Strongylidae <i>Necator americanus</i>	Small intestine	Cebidae	Enteritis	Fecal flotation	Thiabendazole; mebendazole; ivermectin; pyrantel pamoate, 11 mg/kg, one dose	Natural infections with this common human hookworm believed extremely rare in New World primates
Trichostrongylidae <i>Molinueus torulosa</i>	Small intestine	Cebidae	Ulcerative hemorrhagic enteritis	Fecal flotation	Ivermectin, 200 µg/kg	<i>M. torulosa</i> is only pathogenic species of this genus; infection with <i>Molinueus</i> sp. is commonly found in wild-caught New World primates
<i>Molinueus vexillarius</i>	Stomach, small intestine	Callithricidae	None	Fecal flotation	Ivermectin, 200 µg/kg	
<i>Molinueus elegans</i>	Small intestine	Cebidae	None	Fecal flotation	Ivermectin, 200 µg/kg	
Metastrongylidae <i>Angiostrongylus</i> <i>costaricensis</i>	Mesenteric arteries	Callithricidae	Parasitic granulomas within mesenteric arteries and intestinal walls	Fecal examination, histological examination	None reported	Most metastrongylids require an intermediate molluscan host; <i>A.</i> <i>costaricensis</i> is common parasite of children in South and Central America; this parasite has been infrequently reported in wild Callithricidae
<i>Filaroides</i> sp.	Lungs	Callithricidae, Cebidae	Usually none; occasionally, atelectasis, pulmonary hemorrhage, coughing	Fecal flotation; histopathological examination	Fenbendazole 50 mg/kg for 14 days; albendazole, 25 mg/kg bid for 5 days; levamisole	<i>Filaroides</i> sp. commonly found in New World primates; pathogenicity appears to be low, but mild to moderate interstitial pneumonia has been reported on histological examination; complete life cycle is unknown; females produce infective larvae, which are coughed up, swallowed, and passed in feces; at necropsy, <i>Filaroides</i> appear as small, pink to grey nodules, close to pleural surface
Oxyurata <i>Enterobius</i> sp.	Large intestine	Callithricidae, Cebidae	Irritability, perianal pruritus	Visualization of adults around anus; tape method for getting eggs from anus	Pyrantel pamoate, 11 mg/kg, one dose	New World primates are infected by a wide variety of pinworms from the genera <i>Enterobius</i> and <i>Trypanoxyuris</i> (Buckley <i>Enterobius</i> ); no known public health significance from these naturally occurring infections but <i>E. vermicularis</i> , human pinworm, can cause infection in captive Callithricidae
<i>Trypanoxyuris</i> sp. (Buckley <i>Enterobius</i> )	Large intestine	Cebidae	Irritability, perianal pruritus	Visualization of adults around anus; tape method for getting eggs from anus		
<i>Oxyuronema ateloporum</i>	Large intestine	<i>Ateles</i> sp.	Hemorrhagic enteritis, abdominal discomfort	Visualization of adults around anus; tape method for getting eggs from anus		

Table continued on following page



Table 31-13. INTERNAL PARASITES *Continued*

Parasite	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment	Comments
Ascaridata						No confirmed reports of ascarid infections in New World primates
Spirurida						
<i>Trichospirura leptostoma</i>	Pancreas	Callithricidae, Cebidae	Chronic, acute pancreatitis	Necropsy examination	None reported, but ivermectin may be effective	All members of Spirurida require intermediate arthropod host; in general, cause little pathology within host unless large numbers are present; <i>T. leptostoma</i> is common pancreatic parasite of Callithricidae
<i>Pterygodermatitis nycticebi</i>	Small intestine	Callithricidae	Watery diarrhea, anorexia, weakness	Fecal flotation	Cockroach control, frequent prophylactic wormings with ivermectin and mebendazole	<i>P. nycticebi</i> also known as <i>Rictularia nycticebi</i> ; infection with this parasite has caused morbidity and mortality in family Callithricidae; anterior ends of adult worms were found imbedded in mucosa of small intestine on histopathological examination; a pseudomembranous enteritis may be associated with infection; control of this parasite appears to be through control of intermediate host and prophylactic wormings with ivermectin and mebendazole
<i>Gongylonema</i> sp.	Oral cavity, esophagus, stomach	Cebidae	None reported	Fecal flotation, necropsy	None reported; control of intermediate host	<i>G. macrogubernaculum</i> and <i>G. pulchrum</i> inhabit esophagus of definitive host; cockroach or dung beetle acts as intermediate host; pathogenicity appears to be low; <i>G. pulchrum</i> infections have been reported in humans
<i>Physaloptera dilatata</i>	Stomach	Callithricidae, Cebidae	Gastritis	Fecal flotation	Mebendazole at high dosages has been efficacious against some <i>Physaloptera</i> sp.	<i>P. dilatata</i> found attached to mucosa of stomach; hyperplastic gastric lesions and gastritis have been associated with heavy infestations
Filariata						
<i>Dipetalonema</i> sp.	Peritoneal and pleural cavities,	Callithricidae, Cebidae	None; peritonitis, pleuritis	Microfilaria in blood smear; larvae in blood smear	Diethylcarbamazine, 6-20 mg/kg daily for 10 days	Members of this suborder require intermediate blood-sucking insect

## Filariata

*Dipetalonema* sp.

Peritoneal and pleural cavities, subcutaneous tissues

Callithricidae, Cebidae

None; peritonitis, pleuritis

Microfilaria in blood smear; larvae in blood smear; adults in subcutaneous tissue or peritoneal cavity on necropsy or surgery

Diethylcarbamazine, 6–20 mg/kg daily for 6–15 days, may be useful against pathogenic species

Members of this suborder require intermediate blood-sucking insect for transmission of infective larvae; adults are found in subcutaneous tissues or body cavities of definitive host; filariasis is extremely common in neotropical primates; 12 different species have been reported, 4 from *Dipetalonema* and 7 from *Tetrapetalonema*; not uncommon for an individual to be infected by multiple species of these parasites; most species reside in subcutaneous tissues, where they cause little damage to host; *D. gracile* and *D. caudispira*, however, parasitize peritoneal and pleural cavities; Fibrinopurulent peritonitis and pleuritis have been attributed to filariasis

*Mansonella* sp.

Subcutaneous tissues, peritoneal and pleural cavities

Callithricidae, Cebidae

None; peritonitis, pleuritis

Microfilaria in blood smear; larvae in blood smear; adults in subcutaneous tissue or peritoneal cavity on necropsy or surgery

## Trichurata

*Trichuris trichiuria*

Cecum, colon

Cebidae

None, watery diarrhea

Fecal flotation

Mebendazole, levamisole

*Trichuris* of nonhuman primates morphologically indistinguishable from *T. trichiuria*, human whipworm; *T. trichiuria* found in colon of host; apparently only heavy parasite loads cause disease; life cycle of this parasite is direct

*Capillaria hepatica*

Liver

Cebidae

Hepatitis, cirrhosis

Necropsy examination

None reported

*C. hepatica* found in liver parenchyma of host; chronic infections cause granulomatous reactions, scarring, and cirrhosis of liver; eggs are laid within liver and only liberated after decomposition or ingestion of liver; eggs require aerobic conditions to mature to infective larvae, which then enter host through oral route; *C. hepatica* has been reported in humans but, because of unique life cycle, zoonotic potential from nonhuman primates is probably low

Table continued on following page

Table 31-13. INTERNAL PARASITES *Continued*

Parasite	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment	Comments
<b>Trematodes</b>						
Lecithodendriidae <i>Phaneropsolus orbicularis</i>	Intestines	Callithricidae, Cebidae	Unknown, none reported	Fecal sedimentation	Praziquantel	Commonly found in New World primates; trematodes from Lecithodendriidae, Dicrocoeliidae, Echinostomatidae, Schistocomatidae, and Diplostomatidae families have been reported in platyrrhines; <i>Schistosoma mansoni</i> and <i>Athesmia foxi</i> of primary importance
Echinostomatidae <i>Echinostoma aphyllactum</i>	Small intestine	Callithricidae	None reported	Fecal sedimentation	Praziquantel	
Diplostomatidae <i>Neodiplostomum tamarini</i>	Intestine	Callithricidae	None reported	Fecal sedimentation	Praziquantel	
Schistocomatidae <i>Schistosoma mansoni</i>	Mesenteric and abdominal veins	Cebidae	Bloody diarrhea, hematuria, ascites	Eggs in fecal flotation or urine; adults in vessels at necropsy	Praziquantel, 40 mg/kg once	
Dicrocoeliidae <i>Athesmia foxi</i>	Bile duct	Callithricidae, Cebidae	Biliary disease, hepatitis	Fecal sedimentation; adults in bile duct on necropsy	Praziquantel	<i>A. foxi</i> common inhabitant of bile duct of New World primates; considered moderately pathogenic; low numbers appear to cause little harm, but heavy infections can cause mechanical blockage and inflammatory reactions in bile duct; although some trematodes are considered potential zoonotics to humans, risk of infection from nonhuman primates is low because of life cycle requirements for an obligate mollusk intermediate host Commonly found in <i>Saguinus</i> sp.
<i>Platynosomum</i> sp.	Gallbladder, bile ducts	Callithricidae	None reported	Fecal sedimentation; adults in bile duct on necropsy	Praziquantel	

**Cestodes****Dipyllobothriidae***Dipyllobothrium erinacei* Larva—

Callithricidae,

Tissue inflammation

Palpation.

None surgical removal

*Platynosomum* sp.

Gallbladder, bile ducts

Callithricidae

None reported

Fecal sedimentation; adults in bile duct on necropsy

primates is low because of life cycle requirements for an obligate mollusk intermediate host  
Commonly found in *Saguinus* sp.

#### Cestodes

##### Diphyllobothriidae

*Diphyllobothrium erinacei*

Larva—subcutaneous tissue, muscle

Callithricidae, Cebidae

Tissue inflammation and edema

Palpation, radiography of nodules; necropsy examination

None, surgical removal

*Spirometra reptans*

Larva—subcutaneous tissue

Callithricidae

Tissue inflammation and edema

None, surgical removal

*Diphyllobothrium* and *Spirometra* sp. are pseudophyllidean cestodes found in neotropical primates; pleurocercoid larva of these genera are called sparganum, the resulting infection, sparganosis; infection probably secondary to accidental ingestion of crustacean intermediate host; sparganum infects connective, muscle, and subcutaneous tissues of body; migrations of sparganum through tissues cause inflammation and edema; chronic lesions often calcify, allowing radiographic visualization; reactions in subcutaneous tissue may be palpable; otherwise, infection is usually only found on gross necropsy

##### Taeniidae

*Echinococcus granulosus*

Larva—liver, lungs, peritoneal cavity

Cebidae

Clinical signs consistent with a space-occupying lesion

Presence of cysts

Surgical removal

Adults found in birds and mammals, and cause little pathogenicity; infective larvae can infect nonhuman primates following ingestion of infective eggs; these larvae produce scoleces, containing cysts in body tissue of primate intermediate host; within this family, *Echinococcus* has been rarely reported in New World primates; adults within this genus parasitize carnivore species; infective larvae of *E. granulosus* produces a hydatid cyst, most commonly found in liver, but can be found in any body tissue; cysts often do not produce pathology until large; at this time, clinical signs are consistent with those of space-occupying lesion

##### Anoplocephalidae

*Bertiella* sp.

Small intestine

Cebidae

Fecal flotation

Niclosamide, 500 mg/3 kg

Infection with genera of families Anoplocephalidae and

*Matheovataenia* sp.

Small intestine

Callithricidae

Fecal flotation

Praziquantel, 15–20 mg/kg, one dose

Davaineidae commonly reported in New World primates; life cycle of these parasites is not fully

*Atriotaenia megastoma*

Small intestine

Callithricidae, Cebidae

Fecal flotation

Praziquantel, 15–20 mg/kg, one dose

known, but infection probably occurs from ingestion of a mite;

##### Davaineidae

*Rallietina* sp.

Small intestine

Callithricidae, Cebidae

None reported

Fecal flotation

Niclosamide, praziquantel

pathogenicity from members of these genera is low

Table continued on following page

Table 31-13. INTERNAL PARASITES *Continued*

Parasite	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment	Comments
Hymenolepididae * <i>Hymenolepis</i> sp.	Small intestine	Callithricidae, Cebidae	None, to diarrhea, anorexia, vomiting, water loss	Fecal flotation	Niclosamide, praziquantel	Adults of this family parasitize intestinal tracts of mammals and birds; all require intermediate arthropod host, but <i>Hymenolepis nana</i> , or dwarf tapeworm, can also cause direct infection to mammalian host; <i>H. nana</i> has not been commonly reported in neotropical primates but, because of its alternate direct life cycle, can cause significant infections in primate colonies; <i>H. nana</i> is considered zoonotic
Paratriotaeniidae <i>Paratriotaenia oedipomidatus</i>	Small intestine	Callithricidae	None reported	Fecal flotation	Niclosamide, praziquantel	
Pentastomidae <i>Linguatula serrata</i>	Mesenteric lymph nodes, viscera	Cebidae	None, to inflammatory response in tissues	Necropsy	None	Pentastomid infections in New World primates appear to be rare, with little pathogenicity; common sites of infection with larvae are liver and peritoneal cavities; adult pentastomids are found in respiratory tracts of snakes; primates become infected by ingestion of food or water contaminated with snake feces
<i>Porocephalus</i> sp.	Peritoneum, viscera	Callithricidae, Cebidae	None, to inflammatory response in tissues	Necropsy	None	
<i>Armillifer armillatus</i>	Peritoneal cavity	Cebidae	None, to inflammatory response in tissues	Necropsy	None	
Acanthocephala <i>Prosthenorchis</i> sp.	Ileum, cecum	Callithricidae, Cebidae	Peritonitis, wasting	Fecal concentration	None consistently effective; control of intermediate host	<i>Prosthenorchis</i> sp. are commonly found in primates and carnivores in South and Central America; all acanthocephalans have indirect life cycle; intermediate hosts for <i>Prosthenorchis</i> sp. are insects, most commonly German cockroach

\*Considered to be zoonotic from New World primates.

Table 31-14. EXTERNAL PARASITES

Parasites	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment
Arthropods					

Table 31-14. EXTERNAL PARASITES

Parasites	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment	Comments
Anthropods						
<i>Cuterebra</i> sp.	Skin, subcutaneous tissue	Cebidae	Dermal cyst, chronic inflammation at site	Removal and identification of grub	Removal of grub	<i>Alouatta</i> sp. appear to be natural hosts for these fly larvae; infections commonly found around neck
<i>Alouattamyia</i> sp.	Skin, subcutaneous tissue	Cebidae	Dermal cyst, chronic inflammation at site	Removal and identification of grub	Removal of grub	
<i>Dermatobia hominus</i>	Skin, subcutaneous tissue	Cebidae	Dermal cyst	Removal and identification of grub	Removal of grub	
Female <i>D. hominis</i> lays eggs on other insects; larvae develop and then drop off onto host when insects alight to feed; larvae then burrow into skin, forming a cyst; lesions produced by <i>Cuterebra</i> and <i>Dermatobia</i> can be persistent, and care of lesion after removal of larvae is important						
Lice						
Anoplura						
<i>Pediculus</i> sp.	Hair	Cebidae	None to pruritus, hair loss	Hair examination	Pyrethrin-based powders used for domestic pets or poultry	New World primates are infected by both Anoplura and Mallophaga orders of lice; Anoplura, blood-sucking lice, are not commonly found on neotropical primates; <i>Pediculus humanus capitis</i> was found on <i>Ateles</i> , thus indicating that human lice species can cross-infect to New World primates; no cross-infection with Old World primates has been reported. Although New World primates and great apes are susceptible to human louse infections, no rickettsial diseases have been reported in platyrrhines; New World primates are thought to have been originally infected by humans
<i>Harrisonia uncinata</i>	Hair	Callithricidae	None to pruritus, hair loss	Hair examination		
<i>Pedicinus</i> sp.	Hair	Cebidae	None to pruritus, hair loss	Hair examination		
<i>Glincola pinto</i>	Hair	Callithricidae	None to pruritus, hair loss	Hair examination		
Mallophaga						
<i>Trichodectes</i> sp.	Hair	Cebidae	None reported	Hair examination	Pyrethrin-based powders used for domestic pets or poultry	Mallophageus (biting) lice from a number of genera have been reported in New World primates
<i>Tetragynopus aotophilus</i>	Hair	Cebidae	None reported	Hair examination		
<i>Aotiella aotophilus</i>	Skin	Cebidae	None reported	Hair examination		
<i>Cebidocola</i> sp.	Skin	Cebidae	None reported	Hair examination		

Table continued on following page

Table 31-14. EXTERNAL PARASITES *Continued*

Parasites	Host Location	Family Affected	Clinical Disease	Diagnosis	Treatment	Comments
<b>Ticks</b>						
<i>Ixodes loricatus</i>	Skin	Cebidae	None reported	Visualization of tick	Removal	Reports of ticks in New World primates are extremely rare; do not appear to be a natural host for any species
<i>Amblyomma</i> sp.	Skin	Callithricidae	None reported	Visualization of tick	Removal	
<b>Mites</b>						
Mesostigmates <i>Pneumonyssoides stammeri</i>	Large bronchioles, larynx, nasal cavities, sinuses	Cebidae	None reported	Bronchial washes, necropsy examination	Ronnel 55 mg/kg, orally E.O.D. for four treatments, then weekly for 3 months; has reduced worm loads	Natural infection with pulmonary mites appears to be rare in neotropical primates; theorized that entire life cycle of mite is carried out within the lungs.
Prostigmates <i>Demodex</i> sp.	Skin, hair follicles	Cebidae, Callithricidae	Dermatitis	Deep skin scrape	Ronnel, applied topically; other dips recommended for mites in pets and poultry	Although New World primates play host to a wide variety of mites, most appear to cause little pathogenicity in host; infections with genera <i>Demodex</i> and <i>Prosarcoptes</i> have been reported to cause dermatitis in captive species
Astigmates <i>Prosarcoptes pitheci</i>	Skin	Cebidae	Dermatitis	Skin scrape	Ronnel, applied topically; other dips recommended for mites in pets and poultry	
<i>Listrocarpus</i> sp.	Skin	Callithricidae, Cebidae	None reported	Skin scrape	Ronnel, applied topically; other dips recommended for mites in pets and poultry	Although New World primates play host to a wide variety of mites, most appear to cause little pathogenicity in host; infection with genera <i>Demodex</i> and <i>Prosarcoptes</i> have been reported to cause dermatitis in captive species
<i>Audycoptes</i> sp.	Hair follicles	Cebidae	None reported	Skin scrape	Ronnel, applied topically; other dips recommended for mites in pets and poultry	
<i>Rhyncoptes</i> sp.	Hair follicles	Callithricidae, Cebidae	None reported	Skin scrape	Ronnel, applied topically; other dips recommended for mites in pets and poultry	
<i>Mortelmansia</i> sp.	Nasal cavities	Callithricidae, Cebidae	None reported	Nasal examination	None reported	
<i>Dunnalges lanbrechti</i>	Skin	Cebidae	None reported	Skin scrape	Dips or powders recommended for pets and poultry	

## References

1. Acha PN, Szyfres B: Zoonoses and communicable diseases common to man and animals (ed 2). Washington, DC, Pan American Health Organization, 1989. Scientific Publ 503.
2. Barker JR: Protozoa of tissue and blood. In Fiennes RN (ed): Pathology of simian primates, Part II: Infectious and parasitic diseases. New York, S Karger, 1972, p 29-56.
3. Beaver PC, Jung RC: Animal agents and vectors of human disease (ed 5). Philadelphia, Lea & Febiger, 1985.
4. Blanchard JL, Eberhard ML: Case report: Esophageal *Spirurua* infection in a squirrel monkey (*Saimiri sciureus*). Am J Primatol 10:279, 1986.
5. Brady AG, Pindak FF, Abee CR, et al: Enteric trichomonads of squirrel monkeys (*Saimiri* sp.): Natural infestation and treatment. Am J Primatol 14:65, 1988.
6. Burrows RB: Protozoa of the intestinal tract. In Fiennes RN (ed): Pathology of simian primates, Part II: Infectious and parasitic diseases. New York, S Karger, 1972, pp 2-28.
7. Eberhard ML, Lowrie RC Jr: Laboratory studies on *Mansonella marmosetae* in the squirrel monkey, *Saimiri sciureus*. J Parasitol 73:233, 1987.
8. Ephros M: Parasitic infections. In Graef JW, Cone TE (eds): Manual of pediatric therapeutics (ed 3). Boston, Little, Brown & Co. 1985, pp 419-436.
9. Fiennes RN: Ectoparasites and vectors. In Fiennes RN (ed): Pathology of simian primates, Part II: Infectious and parasitic diseases. New York, S Karger, 1972, pp 158-176.
10. Flynn RJ: Parasites of laboratory animals. Ames, IA, Iowa State University Press, 1973.
11. Gardiner CH, Imes GD Jr: Sparganosis in a saddle-back tamarin: Another case of viral-induced proliferation? J Wildl Dis 22:437, 1986.
12. Georgi JR: Parasitology for veterinarians (ed 2). Philadelphia, WB Saunders, 1974.
13. Hickey TE, Kelly WA, Sitzman JE: Demodectic mange in a tamarin (*Sanguinus geoffroyi*). Lab Anim Sci 33:192, 1983.
14. Kuntz RE: Trematodes of the intestinal tract and biliary passages. In Fiennes RN (ed): Pathology of simian primates, Part II: Infectious and parasitic diseases. New York, S Karger, 1972, pp 104-123.
15. Lok JB, Kirkpatrick CE: Pentostomiasis in captive monkeys. Lab Anim Sci 37:494, 1987.
16. Myers BJ: Echinococcosis, coenurosis, cysticercosis, sparganosis, etc. In Fiennes RN (ed): Pathology of simian primates, Part II: Infectious and parasitic diseases. New York, S Karger, 1972, pp 124-143.
17. Orihel TC, Siebold HR: Nematodes of the bowels and tissues. In Fiennes RN (ed): Pathology of simian primates, Part II: Infectious and parasitic diseases. New York, S Karger, 1972, pp 76-103.
18. Rosenblum LA, Cooper RW (eds): The squirrel monkey. New York, Academic Press, 1968.
19. Toft JD II: The pathoparasitology of nonhuman primates: A review. In Benirschke K (ed): Primates: The road to self-sustaining populations. New York, Springer-Verlag, 1986, pp 571-679.
20. Voller A: Plasmodium and hepatocystis. In Fiennes RN (ed): Pathology of simian primates, Part II: Infectious and parasitic diseases. New York, S Karger, 1972, pp 57-75.



## References

- Almeida JD, Dienhardt F, Holmes AW, et al: Morphology of the GB hepatitis agent. *Nature* 261:608, 1976.
- Barker LF, Maynard JE, Purcell RH, et al: Viral hepatitis, type B, in experimental animals. *Am J Med Sci* 270:189, 1975.
- Beck BB, Kleiman DG, Dietz JM, et al: Losses and reproduction in reintroduced golden lion tamarins. Dodo Jersey Wildl Preserv Trust (in press).
- Bradley DW: Transmission, etiology, and pathogenesis of viral hepatitis non-A, non-B in non-human primates. In Chisari FV (ed): *Advances in Hepatitis Research*. New York, Masson, 1984, pp 268-280.
- Bradley DW, Krawczynski K, Cook EH, et al: Enterically transmitted non-A, non-B hepatitis: Serial passage of disease in cynomolgus macaques and tamarins and recovery of disease-associated 27- to 34-nm virus-like particles. *Proc Natl Acad Sci USA* 84:6277, 1987.
- Deinhardt F: Hepatitis in marmosets: An introduction. *Primate Med* 10:272, 1978.
- Deinhardt F: The use of nonhuman primates in human hepatitis. In Kalter SS (ed): *Viral and immunological diseases in nonhuman primates*. New York, Alan R Liss, 1983, pp 135-148.
- Deinhardt F, Peterson D, Cross G, et al: Hepatitis in marmosets. *Am J Med Sci* 270:73, 1975.
- Eichberg JW, Kalter SS: Hepatitis A and B: Serologic survey of human and nonhuman primate sera. *Lab Anim Sci* 30:541, 1980.
- Feinstone SM, Alter HJ, Diennes HP, et al: Non-A, non-B hepatitis in chimpanzees and marmosets. *J Infect Dis* 144:588, 1981.
- Hollinger FB: Non-A, non-B hepatitis viruses. In Fields BN, Knipe DM (eds): *Virology*. New York, Raven Press, 1990, pp 2239-2273.
- Hunt RED, Carlton WW, King NW: Viral diseases. In Benirschke K, Garner FM, Jones TC (eds): *Pathology of laboratory animals*. New York, Springer-Verlag, 1978, pp 1303-1354.
- Karayiannis P, Petrovic LM, Fry M, et al: Studies of GB hepatitis agent in tamarins. *Hepatology* 9:186, 1989.
- Karayiannis P, Scheuer PT, Bamber M, et al: Experimental infection of tamarins with human non-A, non-B hepatitis virus. *J Med Virol* 11:251, 1983.
- Keenan CM, Lemon SM, LeDuc JW: Pathology of hepatitis A infection in the owl monkey (*Aotus trivirgatus*). *Am J Pathol* 115:1, 1984.
- King NW: Synopsis of the pathology of New World monkeys. *Proceedings of the First Inter-American Conference on Conservation*. PAHO-WHO p 169, 1976.
- LeDuc JW, Escajadillo A, Lemon SM: Hepatitis A virus among captive Panamanian owl monkeys. *Lancet* 19:1427, 1981.
- Lemon SM, LeDuc JW, Binn LN: Transmission of hepatitis A infection among recently captured Panamanian owl monkeys. *J Med Virol* 10:25, 1982.
- Lorenz D, Barker L, Stevens D, et al: Hepatitis in the marmoset, *Saguinus mystax*. *Proc Soc Exp Biol Med* 135:348, 1970.
- Lucke VM, Bennett AM: An outbreak of hepatitis in marmosets in a zoological collection. *Lab Anim* 16:73, 1982.
- Montali RJ, Ramsay EC, Stephenson CB, et al: A new transmissible viral hepatitis of marmosets and tamarins. *J Infect Dis* 160:759, 1989.
- Ott-Joslin JE: Viral diseases in nonhuman primates. In Fowler ME (ed): *Zoo and wild animal medicine* (ed 2). Philadelphia, WB Saunders, 1986, pp 674-697.
- Ramsay EC, Montali RJ, Worley M, et al: Callitrichid hepatitis: Epizootiology of a fatal hepatitis in zoo tamarins and marmosets. *J Zoo Wildl Med* 20:178, 1989.
- Sauer RM, Bishop RW: Inclusion body hepatitis in marmosets. *Lab Anim Care* 13:790, 1963.
- Scott RA, Holmes KV, Scanga CA, et al: An update of the epizootiology of callitrichid hepatitis. *Proc Am Assoc Zoo Vet* 261, 1990.
- Stephenson CB, Jacob JR, Montali RJ, et al: Isolation of an arenavirus from a marmoset with callitrichid hepatitis and its serologic association with disease. *J Virol* 65:3995, 1991.
- Stephenson CB, Montali RJ, Ramsay EC, et al: Identification, using sera from exposed animals, of putative viral antigens in livers of primates with callitrichid hepatitis. *J Virol* 64:6349, 1990.
- Tabor E: Nonhuman primate models for non-A, non-B hepatitis. *Cancer Detect Prevent* 14:221, 1989.
- Watanabe T, Katagiri J, Kojima H, et al: Studies on transmission of human non-A, non-B hepatitis to marmosets. *J Med Virol* 22:143, 1987.
- World Health Organization: Viral hepatitis (tech rep 512). Geneva, World Health Organization, 1973, p 36.
- Zuckerman AJ, Howard CR: *Hepatitis viruses of man*. San Francisco, Academic Press, 1979, p 167.

## ZOONOTIC DISEASES OF NONHUMAN PRIMATES

Janis E. Ott-Joslin

Taxonomically, nonhuman primates are closely related to humans. In a captive situation, this predisposes both the nonhuman primate and the human to interchanging pathogens. The more closely related the nonhuman primate is to humans, the greater the number of pathogens that may be exchanged. The greater the phylogenetic separation, the greater the chance of the human or nonhuman primate reacting

severely to many pathogens that are harmless to their hosts (e.g., herpes B and herpes hominis). The exchanges may be from the nonhuman primate to humans (zoonotic exchanges), or back and forth between nonhuman primates and humans (anthropozoonotic; Table 31-3).<sup>1, 12, 17</sup>

Those involved with the direct care of nonhuman primates (e.g., keepers, veterinarians) and indirect care (e.g., medical technologists) should be aware of the potential risks to the nonhuman primates and themselves. The pathogens involved are bacterial, mycoplasmal, spirochetal, fungal, parasitic, and viral. The pathogens may be spread by several means such as physical contact, which includes biting or scratching and handling animals or their tissues (e.g., excrement, secretions, blood), airborne transmission (in

Bacteria  
Shige

Salmo

Camp  
(Ca:  
Myc:  
tubu

Strept  
pne

Mycot

Viral infe  
Herpes

Varic  
(ch

Mollusc

Paramy  
Parair  
my  
(ini

Meas

Table 31-3. DISEASES OF HUMANS THAT MAY INFECT NONHUMAN PRIMATES

Agent	Affected Host(s)	Syndrome in Affected Hosts	Transmission
<b>Bacterial infections</b>			
Shigellosis ( <i>Shigella</i> sp.)	Great apes, macaques, New World monkeys, baboons, other African species	Diarrhea with copious mucus and blood, depression, dehydration; gingivitis in macaques	Fecal-oral route
Salmonellosis	South American and Old World monkeys, apes	Watery and profuse diarrhea, rarely contains blood; may develop septicemia	Fecal-oral route
Campylobacteriosis ( <i>Campylobacter fetus</i> )	All nonhuman primates	Enterocolitis	Direct oral-fecal route
<i>Mycobacterium tuberculosis</i>	All nonhuman primates	Mainly a slowly progressive respiratory disease; can also involve visceral organs, spinal column, and eyes	Aerosolization and inhalation
<i>Streptococcus pneumoniae</i>	Great apes, macaques	Starts as bronchopneumonia, then can spread to cause bacterial meningoencephalitis; has caused peritonitis, otitis, and panophthalmitis	A common inhabitant of pharynx of about 20% of humans; spread by aerosolization and inhalation
<i>Mycobacterium leprae</i>	Sooty mangabeys	Crusted maculopapular rash on trunk and lumps and nodular lesions on lips, nostrils, eyebrows, ears, hands, forearms, and scrotum; lumps swell and ulcerate; paralysis of foot and hand	Requires close contact with humans suffering from lepromatous leprosy; bacteria are excreted from nasal secretions; bacteria can survive up to 7 days in dried nasal mucus
<b>Viral infections</b>			
Herpesvirus			
Herpesvirus hominis (herpes simplex)	Ringtail lemurs, pottos, tree shrews, owl monkeys, gibbons, marmosets, gorillas, orangutans,* chimpanzees,† baboons,‡ macaques,‡ vervetst	Conjunctivitis, nasal discharge, ulcerative dermatitis, lingual ulcers; may cause diarrhea and CNS signs; gibbons develop recurrent oral vesicles and ulcers and later CNS signs; type 2 herpes hominis caused ulcers on external genitalia of two chimpanzees and a pygmy chimpanzee	Virus can be isolated from nasopharynx, conjunctiva, feces, urine, and blood; spread by direct contact or by aerosolized virus contacting the conjunctiva or nasopharynx
Varicella-zoster virus (chickenpox)	Gorillas, orangutans, chimpanzees	Animals are feverish, anorexic, have generalized vesicular eruptions with puritis; recovery is usually uneventful	Aerosolization and close contact
Molluscum contagiosum	Chimpanzees	Small nodules on periorbital or inguinal regions	Probably contact
Paramyxovirus			
Parainfluenza myxovirus (influenza)	Patas monkeys, chimpanzees, marmosets, gibbons, crab-eating macaques, vervets, capuchins, baboons	Bronchopneumonia, pleurisy, pericarditis, peritonitis, nasal discharge, anorexia, lethargy, laryngotracheobronchitis	Aerosolization and inhalation
Measles (rubella)	Newly imported nonhuman primates affected—macaques, gibbons, baboons, African green monkeys, squirrel monkeys, chimpanzees, marmosets, hairy saki monkeys, colobus monkeys, silvered leaf monkeys, owl monkeys, orangutans	Often asymptomatic; can develop facial edema, erythema, then a maculopapular rash on neck, chest, lower abdomen, inner surfaces of arms, and thighs; may have fever, conjunctivitis, leukopenia, nasal discharge, dry cough, gastrointestinal signs	Aerosolization and inhalation

Table continued on following page

Table 31-3. DISEASES OF HUMANS THAT MAY INFECT NONHUMAN PRIMATES *Continued*

Agent	Affected Host(s)	Syndrome in Affected Hosts	Transmission
Respiratory syncytial virus	Chimpanzees	Respiratory infection with fever, nasal discharge, cough, anorexia, sneezing, bronchopneumonia	Aerosolization and inhalation
Mumps	Chimpanzees, orangutans,† gorillas,† New World monkeys,† Old World monkeys,† prosimians†	Parotiditis with erosions of pharynx and soft palate	Aerosolization of infected saliva or respiratory secretions by inhalation or direct contact
Picornavirus Poliovirus	Chimpanzees, gorillas, orangutans, colobus monkeys	Meningitis, encephalomyelitis, paralysis	Fecal-oral route
Coxsackievirus	Chimpanzees	Most cases are asymptomatic; lethargy, hypothermia, diarrhea in a newborn underweight chimpanzee—later (about 8 weeks), after being treated, animal developed hepatomegaly, anemia, cardiomegaly, and died	Fecal-oral route
Rhinovirus	Chimpanzees, orangutans, gorillas	Diarrhea, anorexia, vomiting	Fecal-oral route
Rotavirus			
Viral hepatitis Hepatitis A	Chimpanzees, cynomolgus (crab-eating) macaques, woolly monkeys, Celebes macaques, siamangs, owl monkeys	Rarely causes clinical signs in nonhuman primates; in a few chimpanzees causes anorexia, vomiting, fever, diarrhea, lethargy, jaundice, clay-colored stools, elevated liver enzyme levels	Fecal-oral route
Parasitic infections Protozoans			
<i>Entamoeba histolytica</i>	Old World monkeys	Weakness, dehydration, anorexia, vomiting, severe diarrhea, which may contain mucus and blood; can cause necrotic ulcerative colitis, amebic abscesses in liver, lungs, central nervous system	Fecal-oral route
<i>Giardia lamblia</i>	Nonhuman primates	Diarrhea with mucus but without blood; abdominal pain, nausea, vomiting, flatulence	Fecal-oral route
<i>Balantidium coli</i>	Commonly found in nonhuman primate stool samples, but rarely causes a problem in nonhuman primates, except gorillas	Severe diarrhea with an ulcerative enterocolitis in gorillas; weight loss, lethargy	Fecal-oral route
Nematodes Pinworm ( <i>Enterobius vermicularis</i> )	Old World primates and great apes	Anal pruritus, restlessness, or asymptomatic; fatal cases in chimpanzees with ulcerative enterocolitis and peritonitis	Fecal-oral route

\*Herpesvirus hominis may have caused oral lesions in these animals, but the causative agent was not identified.

†Serological evidence of infection without signs.

the  
art  
Often  
the disc  
visible  
of the p  
for anim  
recently  
situation  
though  
state, th  
that are  
Severa  
when de

1. H  
after ha  
sure ma  
fluids. T  
are wor  
nonhum  
nated. I  
means o

2. C  
risk of  
infectio  
pecially  
important  
fecal ma  
creating  
areas wit  
dove  
and  
because  
ating pot  
to worke  
nearby.

3. A  
from all  
The samp  
freezer.  
(e.g., qu  
ratory tec  
additional  
stored an

4. The  
proper pe  
workplace  
drinking  
keeping h  
while wor  
and not c  
(one does  
who has h

5. Sta  
have a co  
monkeys  
mask whi  
animals.

6. If s  
primates  
or open s  
and  
hum

the form of aerosols or droplets), ingestion, and arthropod vectors.

Often, the nonhuman primate carries and transmits the disease (e.g., infectious hepatitis) without any visible signs. Therefore, one must always be aware of the potential risks involved. This is especially true for animals under stress, such as those that have been recently shipped or introduced into a new social situation, or have developed a recent illness. Even though these animals may appear to be in a static state, they could be harboring potential pathogens that are a risk for humans.

Several precautionary measures should be followed when dealing with nonhuman primates.<sup>5, 6, 15</sup>

1. Hands should be washed frequently, especially after handling the animal, its food, bedding, enclosure materials, excrement, and/or tissue and body fluids. This includes washing the hands, even if gloves are worn. Anything that comes in contact with the nonhuman primate should be considered contaminated. Hand washing is probably the most effective means of preventing infection.

2. Cages should be cleaned so as to minimize the risk of creating aerosols or droplets of potentially infectious materials. Wearing protective clothing, especially masks, gloves, and goggles or glasses, is important. Manual removal of bedding, food, and fecal matter before hosing decreases the risk of creating aerosols or droplets. Scrubbing heavily soiled areas with disinfectants should be done before hosing down the area. The use of high-pressure water hoses and steam cleaners should be kept to a minimum, because these methods can increase the risk of creating potentially infectious sprays, which are a risk to workers and to other nonhuman primates housed nearby.

3. A baseline serum sample should be collected from all personnel working with nonhuman primates. The sample should be stored in an ultracold ( $-70^{\circ}\text{C}$ ) freezer. For personnel working in high-risk areas (e.g., quarantine keeper, pathologist, clinical laboratory technicians working with infectious materials), additional serum samples should be collected and stored annually.

4. The staff should be instructed to engage in proper personal hygiene procedures in and out of the workplace. This includes not smoking, eating, or drinking in animal areas, frequent hand washing, keeping hands away from the mouth, nose, and eyes while working around the animals and their feces, and not chewing on pens, pencils, or needle caps (one doesn't know where the items have been and who has handled them).

5. Staff members who are ill with a cold and/or have a cold sore should avoid working around the monkeys until they are well or should wear a face mask while preparing food and working around the animals.

6. If staff members who work with nonhuman primates get sick (e.g., have fever, chills, diarrhea, or open sores), they should seek medical attention and inform the physician that they work with nonhuman primates.

7. Staff members should take precautions to prevent monkey bites or scratches. However, if they do get injured, they should wash the wound thoroughly with a disinfectant soap and water, notify the supervisor about the injury, and seek medical care, if indicated.

8. An effective means for handling, reporting, evaluating, and treating occupational exposures to possible zoonotic infections should be developed for the institution.

9. Staff members should not use animals' bowls when preparing their own food. They should not wash their dishes where they wash out litter pans and should minimize direct physical contact with the animals.

10. Individuals with a known immunodeficiency (e.g., those with AIDS or those receiving radiation, chemotherapy, or high doses of steroids) should be extremely cautious in working with potentially infected animals or materials (Table 31-4).<sup>6</sup> Pregnant women should also be considered to be at risk.

11. Personnel who have open cuts or sores on their hands should wear gloves while working around animals and their feces.

12. An active insect and rodent control program should be instituted in the facility.

13. Ventilation rates should be adequately maintained to minimize odors and the risk of containment of noxious agents. The recommended ventilation rate is six air changes/hour. Ideally, rooms housing animals should be maintained to discharge exhaust air directly outside without recycling the air.

If these precautions are followed closely, the risk of staff members acquiring zoonotic infections is lowered.

## BACTERIAL DISEASES

Several bacterial diseases are shared between nonhuman primates and humans (e.g., tuberculosis, shigellosis, salmonellosis, campylobacteriosis, streptococcal pneumonia). Most of these are acquired by the nonhuman primates from humans, and the nonhuman primate can in turn pass the disease back to humans. Bacterial enteric infections are the most common cause of disease in nonhuman primates, followed by bacterial pneumonia.

### Enteric Infections

Salmonellosis, shigellosis, and campylobacteriosis are covered elsewhere in this chapter (see earlier, Bacterial Enterocolitis in Nonhuman Primates).

Other bacteria have been implicated as causes of possible zoonotic enteric diseases, including *Proteus morgani*, enteropathic *Escherichia coli*, *Pseudomonas aeruginosa*, *Citrobacter* sp., *Yersinia pseudotuberculosis*, and *Y. enterocolitica*. The direct oral-fecal route is the means of infection.

*Yersinia pseudotuberculosis* is a rare disease of nonhuman primates. In addition to an ulcerative enterocolitis causing diarrhea, with or without blood,

Table 31-4. ZOONOTIC DISEASES OF CONCERN FOR IMMUNOSUPPRESSED HUMANS

Disease	Causative Agent	Means of Transmission	Systems Involved	Diagnosis	Prevention and/or Management
<b>Bacteria</b>					
Tuberculosis	<i>Mycobacterium tuberculosis</i> , <i>M. avium</i>	Ingestion, inhalation	Pulmonary, digestive	Tuberculin testing, cultures	Euthanasia of infected nonhuman primates; antitubercular drugs for more valuable primates
Leprosy	<i>Mycobacterium leprae</i>	Contact	Integumentary, neurological	Cultures	Avoid close contact with infected animals
Atypical mycobacteria	<i>Mycobacterium avium</i>	Ingestion, contact	Digestive, integumentary	Tuberculin testing, cultures	Prevent fecal-oral transmission and close contact
Salmonellosis	<i>Salmonella typhimurium</i>	Ingestion	Digestive	Cultures	Prevent fecal-oral transmission
<b>Viruses</b>					
Herpes B infection	Herpesvirus simiae	Bite wounds, scratches, handling infected tissues, aerosolization	Central nervous system, integumentary, muscular, upper gastrointestinal tract	Virus isolation, serology, histopathology	Euthanasia of infected nonhuman primates for less valuable macaques (follow guidelines for prevention of herpes B)
Viral hepatitis	Hepatitis A	Ingestion	Hepatic	Serology, histopathology	Prevent fecal-oral transmission (e.g., washing hands, wearing masks)
	Hepatitis B	Accidental injection of animal's serum	Hepatic	Serology	Prevent accidental inoculation (e.g., from scratches or contaminated needles)
Herpes simplex	Herpes simplex virus	Contact, ingestion	Integumentary, central nervous system, reproductive, respiratory	Serology, cultures	Antiviral medication; prevent contact and fecal-oral transmission
Cytomegalovirus infection	Cytomegalovirus	Contact, blood transfusion	Ocular, pneumonia	Cultures, serology	Avoid contact
Coxsackievirus infection	Coxsackievirus	Contact, fecal-oral route	Respiratory, cardiac	Cultures, serology	Avoid contact and fecal-oral transmission
Varicella zoster infection	Varicella zoster virus	Contact, oral route	Integumentary, central nervous system, respiratory	Cultures, serology, histology	Vaccination, antiviral medication
<b>Parasites</b>					
Strongyloidiasis	<i>Strongyloides stercoralis</i>	Ingestion	Gastrointestinal, integumentary	Fecal parasite examination	Prevent fecal-oral transmission (e.g., washing hands, wearing masks)

there may be mesenteric lymphadenitis and hepatosplenic necrosis. Rats are commonly infected and can be the source of infection to nonhuman primates, which can then infect humans.\*

## Pneumonia and Tuberculosis

### Mycobacterioses

*Mycobacterium tuberculosis* is probably the most well-known zoonotic pathogen of nonhuman primates, and can be spread between humans and nonhuman primates. It mainly causes a slowly progressive respiratory infection, with a course of a few months, and often goes undetected until it is too late and has spread throughout the group. Tuberculosis may also involve the visceral organs, the spinal column, and the eyes.

Nonhuman primates vary in their susceptibility to

the disease. Macaques are highly susceptible to infection, where as few as 10 tubercle bacilli inoculated intracheally may cause a fatal infection. Great apes, African monkeys, and all other Asian monkeys are intermediate in their susceptibility, whereas New World species and prosimians are more resistant to infection.

Other mycobacterial species may also cause disease in humans and nonhuman primates. *Mycobacterium bovis* is the second most common mycobacterium encountered. Atypical mycobacteria (*M. avium*, *M. intracellulare*, *M. kansasii*, *M. scrofulaceum*, *M. africanum*) have also been isolated from nonhuman primates. Some of these atypical mycobacteria may cause pneumonia and enteric and/or skin infections, and the disease may be slow to develop. Clinically, these diseases are indistinguishable from lesions caused by typical mycobacteria. Microscopically, the intestinal lesions of the atypical mycobacteria may

that nec  
not see  
found in

Some  
out cau  
mycobac  
culin te  
compari  
both ma  
is done  
mestic c  
Atypic  
*M. intru*  
mans. A  
contamin  
mycobac  
direct co  
and non  
oses; rat  
the same

### Pneumo

*Streptococcus*  
coccal p  
infection  
ratory d  
usually o  
families i  
take  
mus

Other  
*Pasteurella*  
*deliella* b  
cause pn  
humans.  
ably diffi  
should be  
cant pat  
whereas  
primates  
fore spre

The cli  
mates inc  
sacculitis.  
weakness.

### Other Ba Tularemia

Tularen  
been repo  
tamarins (*Leontideus rosalia*), and  
*cus talapo*  
*froyi*), and  
usual sou  
morphs. I  
disease m  
ratory rou

In one  
prim  
squirrels a

differ from those seen with typical mycobacteria in that necrosis, giant cells, and typical tubercles are not seen, and infiltrations of epithelioid cells are found in the lamina propria of the gut.

Some atypical mycobacteria colonize the gut without causing any illness. However, these colonizing mycobacteria may sensitize the animal to the tuberculin test, producing a false-positive reaction.<sup>13, 14</sup> A comparative tuberculin test in these animals using both mammalian and avium tuberculin products, as is done with comparative tuberculin testing in domestic cattle, can help resolve the problem.

Atypical mycobacteria (especially *M. kansasii* and *M. intracellulare*) may cause clinical disease in humans. Most atypical organisms are acquired from contaminated food, soil, dust, or water. The atypical mycobacterium is transmitted by aerosol, oral, or direct contact. Therefore, these infections in humans and nonhuman primates are usually not true zoonoses; rather, the infections for both are acquired from the same environmental sources.

### Pneumonia

*Streptococcus pneumoniae*, which causes pneumococcal pneumonia, is a common anthroponozoonotic infection of great apes that may result in fatal respiratory disease and/or meningitis in great apes. It usually occurs when the primate keepers and/or their families have periodic colds. Primate keepers should take great care at these times to wear masks if they must work while they are sick.

Other bacteria, such as *Klebsiella pneumoniae*, *Pasteurella multocida*, *Hemophilus influenzae*, *Bordetella bronchiseptica*, and *Staphylococcus* sp., may cause pneumonia in both nonhuman primates and humans. The spread between the two groups is probably difficult to document, but the potential risk should be considered. *B. bronchiseptica* is a significant pathogen of *Callicebus* sp. and prosimians, whereas African and South American nonhuman primates are natural hosts of the bacteria and therefore spread the diseases to humans.<sup>7</sup>

The clinical signs of infection in nonhuman primates include coughing, sneezing, facial edema, air sacculitis, nasal discharge, dyspnea, anorexia, and weakness.

### Other Bacterial Diseases

#### Tularemia

Tularemia, caused by *Francisella tularensis*, has been reported as a natural infection in black-and-red tamarins (*Saguinus nigricollis*), talapoin (*Cercopithecus talapoin*), a Geoffroy's marmoset (*Callithrix geoffroyi*), and a squirrel monkey (*Saimiri sciureus*). The usual source of infection is wild rodents and lagomorphs. It is transmitted by flea and tick bites. The disease may also be transmitted by the oral or respiratory route.

In one outbreak, a small group of nonhuman primates acquired the disease through fleas from squirrels around their cages. Four of the seven mon-

keys died acutely from the infection. One surviving monkey had signs of ocular and nasal discharge, lingual ulcers, and sialorrhea. While being treated, this animal bit the veterinarian, who subsequently developed diarrhea, fever, weakness, and an enlarged axillary lymph node. Both the monkey and veterinarian recovered.<sup>11</sup>

### Leprosy

*Mycobacterium leprae* has caused spontaneous infections in a chimpanzee and a mangabey (*Cercocebus atys*). Mangabeys and rhesus and African green monkeys (*Cercopithecus aethiops*) are all susceptible to experimental infections, and are commonly used as experimental models. Infected animals pose a risk to humans.

The disease in the chimpanzee started with a thickening of the skin of the eyebrows, nose, lips, and ears. The lesions of the nose, skin, and dermal nerves contained acid-fast bacteria.

The disease in the mangabey started with facial nodules. After four months, a large ulcerated area appeared on the face, and there were nodules present on the ear and forearms. After 16 months of infection, the animal exhibited deformities and paralysis of its limbs. The animal had probably acquired the disease from a human.<sup>1, 2</sup>

Humans are the principal source of *Mycobacterium leprae*. The method of transmission is unknown, but it is believed to be contact with lepromatous patients who shed bacilli from ulcerated skin lesions and from the nose and mouth.

### Listeriosis

Listeriosis (*Listeria monocytogenes*) may cause encephalitis, meningitis, septicemia, abortions, and neonatal deaths. Infection can be transmitted from animals to humans by contact with the skin or mucous membranes, by the fecal-oral route, or by inhalation.

### MYCOPLASMAL DISEASE

There have been anecdotal reports of zoo veterinarians experiencing episodes of polyarticular arthritis after treating gorillas for a mycoplasma arthritis syndrome. In one case, the arthritis in both humans and gorilla responded to treatment with erythromycin.<sup>16</sup>

### SPIROCHETAL DISEASES

#### Relapsing Fever

Relapsing fever (*Borrelia* sp.) is present worldwide. Spirochetal infection is a naturally occurring endemic disease of wild nonhuman primates. In South American monkeys, infections with spirochetes is common, and may represent the animal reservoir for the disease. The disease is transferred by body lice, bedbugs, and ticks.

### Leptospirosis

*Leptospira icterohaemorrhagiae* infection in non-human primates occurs by contact with rats or by eating food contaminated by rat droppings. The non-human primates then become a source of potential infection to humans.

## ACTINOMYCETIC DISEASES

### Dermatophilosis

*Dermatophilus congolensis* causes an infectious dermatitis in New World monkeys (*Aotus trivirgatus*, *Lagothrix lagotricha*, *Callicebus moloch*, and *Saimiri sciureus*). Infections in humans and nonhuman primates are rare. Human infections have been caused by direct contact with infected animals. Flies and ticks may act as mechanical vectors to spread the disease. The lesions are first erythematous and then become scaly, changing to crusty, exudative papillomatous lesions. If the crusts are removed, they leave raw bleeding wounds.<sup>8</sup>

### Nocardiosis

*Nocardia asteroides* infection may be acquired by contact on wounds, inhalation, or ingestion of contaminated feed. Disseminated pyogranulomatous lesions may occur in the brain, liver, intestine, lung, kidneys, or heart.<sup>9</sup>

## FUNGAL DISEASES

Dermatophytoses caused by *Microsporum* and *Trichophyton* may occur in nonhuman primates. These cause typical lesions of ringworm, with circumscribed lesions of hair loss and scaliness of the skin. The infection is acquired by direct contact of infected humans or animals or through contact with contaminated equipment.

## VIRAL DISEASES

There is extensive serological evidence that primates, including humans, interchange many viruses, but fortunately few of these cause disease. Indeed, serological surveys have indicated that viral infections in nonhuman primates are common, and they often occur without any recognizable signs of disease. Therefore, staff members should be aware of the potential risk of viral infections to the collection and to the humans in contact with it. Animals under stress (e.g., from illness or recent shipment) have an increased incidence of virus shedding, even though they appear to be clinically normal. However, these animals are a potential hazard to cagemates and to human health. Quarantining newly imported monkeys for 60 to 90 days should decrease the risk of transmitting viral infections to the collection.

If a viral infection occurs, the clinician should make

a concerted effort to identify the viral agent. The diagnosis is often made, however, without viral isolation. Serological evidence must be obtained using paired serum samples to determine whether the infection is latent or active, or if there is sufficient immunity.

Only a few laboratories perform viral isolation and serological procedure. Because each laboratory may vary in the way in which tissues are processed, it is recommended that the laboratory be contacted prior to shipping specimens. If no laboratory is available nearby, the Virus Reference Laboratory can be contacted. This is a diagnostic center for reference and research in viruses, located in the South Texas Medical Center.\* In addition, this laboratory can run six different serological panels for common simian viruses based on the species group being tested (e.g., a panel for macaques and Asian species versus one for great apes).

Proper collection of suitable specimens at the most appropriate time in the course of a viral disease is necessary for diagnosis. Specimens should be collected in the acute phase of the illness (first 3 to 4 days of illness—often before overt signs develop), and acute serum samples during the first week. A reference serum specimen obtained from each animal at the end of the quarantine period can be frozen and stored, and can be used later as a baseline sample if one cannot be obtained during the acute phase of the illness. A convalescent serum sample should be obtained 2 to 4 weeks after onset of the disease and, if necessary, a third serum sample should be obtained 6 to 8 weeks after onset.<sup>4,12</sup>

Specimens are usually collected from the area associated with the virus, such as the throat and rectum, and from spinal fluid, pleural and pericardial effusions, or vesicular fluid. Specimens must be collected aseptically to prevent contamination. Virus isolation without serological confirmation is questionable, because isolation of a virus alone does not necessarily indicate the causative agent.

Indirect diagnostic methods using histopathology and electron microscopy are helpful in diagnosing a viral disease rapidly.

### DNA Virus Infections

#### Herpetic Infections

To date, about 40 herpesviruses have been isolated from Old and New World monkeys and apes, but a few are considered zoonoses (Table 31-5).<sup>1, 6, 12</sup> In most herpetic infections the virus is harmless to its host species, except for young animals, which are more severely affected than adults. Juveniles become infected after losing their maternal immunity and, by adulthood, most animals are infected. The adults may serve as latent carrier animals, shedding the virus intermittently with or without signs of disease. Overt signs of disease include small vesicles or ulcers on the tongue, oral cavity, lip, skin, and/or labia. Rarely

\*7540 Louis Pasteur, Suite 202, San Antonio, TX 78279; (512) 696-5510.

Herpesvir  
(herpes)

Herpesvir  
(herpes)

Herpesvir  
(herpes)

Varicella  
(chick)

Cytomeg  
(saliva  
includ

\*The v  
tSerol

Table 31-5. ZOO NOTIC HERPESVIRUS INFECTIONS

Virus	Definitive Host(s)	Affected Host(s)	Risk to Humans	Comments
Herpesvirus hominis (herpes simplex)	Humans	Ringtail lemurs, pottos, tree shrews, owl monkeys, gibbons, marmosets, gorillas, orangutans,* chimpanzees,*† baboons,† macaques,† vervetst	Minimal; humans are the definitive host	In nonhuman primates causes conjunctivitis, nasal discharge, ulcerative dermatitis, lingual ulcers, may cause diarrhea and CNS signs; transmission by aerosolization; infection in gibbons causes recurrent oral vesicles and ulcers, and may later cause CNS signs; type 2 herpes hominis was isolated from external genitalia of two chimpanzees and a pygmy chimpanzee; people with active herpes lesions should be restricted from access to susceptible animals
Herpesvirus simiae (herpes B)	Macaques (rhesus, crab-eating, bonnet monkeys, stump-tailed, Formosan, Japanese); possibly an African green monkey† acquired the virus from a macaque and affected humans, baboons,† chimpanzeest	Humans, colobus monkeys*	Caused a fatal ascending myelitis and encephalitis, fever, muscular pain, fatigue, headache, sore throat, vesicles in mouth and skin, lymphadenitis, vomiting, nausea, abdominal pain	24 cases have occurred in humans; virus transmitted to humans from bite wounds, scratches, handling infected macaque tissues (especially brain), or aerosolization; incubation period is 1-5 weeks; infection in humans has been successfully treated with acyclovir; people handling macaques should follow guidelines for prevention of herpes B infection; in macaques, primary infection occurs at weaning or in animals under stress (e.g., new arrivals); virus rarely causes disease in macaques, but has caused oral vesicles, a mucopurulent nasal discharge, conjunctivitis; virus has been isolated from saliva, blood, feces, urine, eye, brain, kidney tissue cultures; virus is maintained in the trigeminal nerve and trigeminal nerve ganglia; virus has produced fatal infections in bonnet macaques, causing respiratory disease
Herpesvirus tamarinus (herpes platyrrhinae)	Squirrel monkeys, capuchins,† spider monkeyst	Owl monkeys, marmosets, titi monkeys, humans	Only one reported case in humans with skin pustules, fever, and a nonfatal encephalitis	Virus shed in oral secretions and oral lesions of monkeys; in nonhuman primates, virus causes generalized herpetic disease; virus spread by direct contact, aerosols, or fomites
Varicella-zoster virus (chickenpox)	Humans	Gorillas, orangutans, chimpanzees	Minimal risk to humans, who are the definitive hosts	Greatest risk to young apes
Cytomegalovirus (salivary gland inclusion disease)	Rhesus, African green monkeys, owl monkeys, marmosets, squirrel monkeys, capuchins, chimpanzees, tarsiers, gorillas	Humans	One report of a possible human cytomegalovirus infection subsequent to a chimpanzee bite, with splenomegaly, lymphadenopathy, hepatomegaly 1 month after being bitten and evidence of an increasing cytomegalovirus titer	In nonhuman primates, virus is an incidental finding at necropsy. Fatal cases in tarsiers and chimpanzees, with signs of diarrhea, anorexia, lethargy and lesions in the adrenal cortices and submaxillary glands; infection in a gorilla with bloody diarrhea, anorexia, anemia, abdominal pain, dehydration, emaciation, lesions of a severe ulcerative colitis, interstitial pneumonia, nephrosis, splenic atrophy

\*The virus may have caused lesions in these animals, but the causative agent was not identified.  
 †Serological evidence of infection without signs.



does an adult carrier die of its own herpesvirus infection unless it is severely debilitated or immunosuppressed. In this respect, herpesvirus infection in nonhuman primates is analogous to herpes hominis infection in humans.

Fatalities occur when the virus is passed to nonhost species. It may produce a generalized herpetic disease (e.g., Herpesvirus hominis in owl monkeys) and neurological disease (e.g., Herpesvirus simiae in humans).<sup>3</sup>

### Poxvirus Infections

Poxvirus infections are listed in Table 31-6.<sup>1, 12</sup>

### RNA Virus Infections

#### Paramyxovirus Infections

There are several paramyxoviruses that are known to affect nonhuman primates (Table 31-7).<sup>1, 2, 13</sup>

#### Picornavirus Infections

Picornaviruses include enteroviruses and rhinoviruses (Table 31-8).<sup>1, 12</sup> Several enteroviruses have been isolated from normal and ill nonhuman primates, including poliovirus, coxsackievirus, and numerous simian enteroviruses. Rhinoviruses have also been isolated from sick nonhuman primates.

#### Rhabdovirus Infections

Rhabdoviruses (e.g., Marburg virus, rabies virus) are potentially dangerous zoonotic diseases that can be acquired from nonhuman primates. An outbreak of Marburg virus occurred in 1967, affecting 27 laboratory personnel and killing six individuals (see earlier, Emerging Viral Diseases of Nonhuman Primates in the Wild).

There have been at least 16 confirmed cases of rabies in the United States in nonhuman primates (rhesus and crab-eating macaques, capuchins, squirrel monkeys, marmosets, and a chimpanzee) since 1929. In two of these cases, the disease was probably the result of vaccination with live attenuated vaccine.

The incubation period in nonhuman primates is probably similar to that in humans. However, in one experimentally inoculated monkey, it was 100 days before clinical signs were exhibited, whereas in another monkey it was 6 months before signs were observed after it was bitten by a rabid dog.

Wild-caught monkeys from India, Indonesia, and Argentina should always be considered as animals at risk. They should be kept under close observation for 6 to 12 months after arrival.

Rabies in nonhuman primates is usually of the paralytic form, but the animal can become aggressive and bite if provoked. Self-mutilation has been observed in one monkey diagnosed with rabies. Rabies might easily be overlooked as a differential diagnosis.

Any animal inflicting a bite should be closely monitored for neurological signs. Those handling newly arrived, wild-caught nonhuman primates from

endemic areas should be routinely vaccinated against rabies. Nonhuman primates should never be vaccinated with modified live vaccines. Killed vaccines are safe in nonhuman primates, and have been shown to produce high antibody titers and to protect against death from street virus in rhesus macaques.<sup>12</sup> Thus, animals in high-risk situations should be vaccinated using killed vaccine.

### Togavirus (Arbovirus) Infections

Many arboviruses affect both human and nonhuman primates. Nonhuman primates are implicated in the spread of disease by serological evidence or by their presence in areas of disease outbreaks. Often, nonhuman primates are used by researchers as sentinels, held in cages in the canopy of the tropical or subtropical forest. Their death and the subsequent isolation of virus from the tissues heralds the arrival of arboviral infections.

#### YELLOW FEVER

The most significant arbovirus involving nonhuman primates is yellow fever virus. The disease occurs in Africa and Central and South America. The virus is maintained and transmitted by *Aedes*, *Haemagogus*, and *Sabethes* mosquitoes. The mosquito, once infected, remains as a reservoir for life. Because of the presence of *A. aegypti* in the United States, it is possible that yellow fever could be transmitted to humans in this country.

Nonhuman primates in Africa and South America help maintain the virus infection in the wild. Among African species, guenons (*Cercopithecus* sp.), patas monkeys, baboons, colobus monkeys, and bushbabies rarely die when infected experimentally. The virus multiplies rapidly 1 to 3 days postinoculation, and virus titers high enough to infect mosquitoes exist for 1 to several days. The animals that survive rapidly develop neutralizing antibodies that protect them against subsequent viral challenge.<sup>1</sup> Chimpanzees and gorillas are susceptible to infection but, probably because of their low numbers in the wild, do not play an important role in the spread of the disease.<sup>12</sup>

New World monkeys are more susceptible to infection. They are involved in the forest or sylvatic cycle of yellow fever. *Haemagogus* mosquitoes are day feeders that can infect spider monkeys, marmosets (*Saguinus* sp.), howlers, squirrel monkeys, titi monkeys, and capuchins. The owl monkey, although susceptible to infection, is rarely involved with the transmission of the virus because of its nocturnal habits. Howler monkeys and marmosets are extremely susceptible to the disease. Their deaths in the jungle may be a signal that a wave of yellow fever infection is moving into an area.<sup>1</sup>

The lesions in these monkeys and icterus, multiple hemorrhages, and fatty degeneration of the liver are similar to those in humans. Histologically, there is midzonal necrosis in the liver and the necrotic hepatocytes undergo a peculiar hyaline change, forming Councilman bodies. There are intranuclear acidophilic inclusions in the liver and basophilic concretions and colloidal material in the kidney tubules.<sup>12</sup>

Vir-  
Monkeyp-

Molluscum  
contagio-

Yaba virus

Tanapox

Table 31-6. ZOO NOTIC POXVIRUS INFECTIONS

Virus	Definitive Host(s)	Affected Host(s)	Risk to Humans	Comments
Monkeypox	Unknown	Rhesus and crab-eating macaques, chimpanzees, orangutans, gibbons, squirrel monkeys, marmosets, African green monkeys, langurs, owl-faced monkeys, humans	Causes fever, facial edema, multiple papules with dark brown umbilicated center; thick, puslike material can be expressed from the papules, which later change to pustules with a reddish-brown center that falls off, leaving a scar; lesions are found on hands, feet, arms; lesions in humans result from scratches by affected nonhuman primate; humans develop backache, headache, fever, lethargy; lesions regress without complications; can be spread from person to person	This virus affects both human and nonhuman primates, causing similar signs and lesions; lesions in nonhuman primates are found on buttocks, hands, feet, hind limbs, tongue, pharyngeal, laryngeal and tracheal mucosa; can be fatal in langurs, orangutans, marmosets, squirrel monkeys, gibbons; young are more severely affected; route of infection is probably respiratory; animals that survive develop solid immunity to monkeypox
Molluscum contagiosum	Humans	Chimpanzees	Minimal; causes skin lesions	Causes small, firm papules around eyes and inguinal area; waxlike seborrheic material can be expressed from lesions; this material and the skin lesions contain large blue intracytoplasmic inclusion bodies
Yaba virus	African nonhuman primates	Rhesus macaques, baboons	Minimal; causes skin lesions	Crab-eating, pig-tailed, Japanese, stump-tailed, and Celebes macaques, African green monkeys are resistant to infection; African monkeys born in Africa are resistant, but African monkeys (e.g., sooty mangabey, baboons, vervets, patas) born in the United States and England were susceptible; probably spread to humans by mosquitos, biting insects, tattooing; lesions develop on face and distal limbs, become ulcerated, with hemorrhages; additional tumors may be found along lymphatic vessels; tissues contain large, pleomorphic "histiocyte cells" with eosinophilic cytoplasmic inclusions; animals develop immunity after infection
Tanapox	African nonhuman primates	Humans, rhesus, pig-tailed, bonnet, stump-tailed, and crab-eating macaques, Hanuman langurs	Fatal in young children; spread by mosquito or direct contact (e.g., scratches); humans develop fever, backache, headache, lethargy	Occurred in humans living along the Tana River Valley in Kenya, also in Oregon, Texas, and California primate centers; African primates showed no lesions; causes pinkish, elevated thickening of skin, with umbilicated centers, which usually heal without problems; also called BEMP (benign epidermal monkeypox), Ortega, Yaba-like disease; separation of African from Asian monkeys prevents infection

Table 31-7. ZOONOTIC PARAMYXOVIRUS INFECTIONS

Virus	Definitive Host(s)	Affected Host(s)	Risk to Humans	Comments
Parainfluenza type 3	Humans	Patas monkeys, chimpanzees, marmosets, gibbons, crab-eating macaques	Minimal	75% mortality in newly arrived patas monkeys; causes bronchopneumonia, pleurisy, pericarditis, peritonitis; gibbons had serous nasal discharge, coughing, anorexia, lethargy
Parainfluenza type 2, SV5	Humans	Vervets, baboons, crab-eating macaques	Minimal	Macaques died of respiratory disease, pharyngitis, bronchitis, bronchopneumonia
Myxovirus (influenza)	Humans	Capuchins, baboons, marmosets, chimpanzees, gibbons	Minimal	Nonhuman primates had signs of serous to purulent rhinorrhea, conjunctivitis, coughing, depression, anorexia, gastrointestinal upset; caretakers with signs of influenza infection (chills, fever, headache, myalgias, respiratory signs) should stay away from nonhuman primates
Measles (rubella)	Humans	Rhesus, crab-eating, and Formosan macaques, gibbons, baboons, African green monkeys, squirrel monkeys, chimpanzees, marmosets, hairy sakis, colobus monkeys, owl monkeys, silvered leaf monkeys, orangutans	Clinical signs of measles	Affects highly stressed, newly imported monkeys; disease is often asymptomatic; some animals develop facial edema and erythema, leukopenia, fever, conjunctivitis, serous mucopurulent nasal discharge, dry cough, and maculopapular rash on neck, chest, lower abdomen, inner surfaces of upper arms and thighs; can produce an interstitial bronchitis and a giant cell pneumonia; can have a 100% mortality in colobus and silvered leaf monkeys; abortions and still-births possible; in New World monkeys mortality rate may reach 55%; marmosets become lethargic, anorexic, have diarrhea, die within 24 hours; vaccination with modified live measles vaccine may be indicated for highly susceptible species; human gamma globulin preparations contain antibodies for measles, so it may be helpful to give gamma globulin injections to new arrivals that have probably been exposed en route
Mumps	Humans	Chimpanzees, gorillas,* orangutans,* New and Old World monkeys,* prosimians*	Minimal	Chimpanzees are susceptible to infection similar to mumps; they develop a parotiditis, with erosions of the pharynx and soft palate
Respiratory syncytial virus (chimpanzee coryza agent)	Humans	Chimpanzees, orangutans,* gorillas,* gibbons,* crab-eating and rhesus macaques,* vervets,* squirrel monkeys,* spider monkeys*	Minimal	Chimpanzees develop nasal discharge, listlessness, anorexia, sneezing; can develop bronchopneumonia
Rotavirus	Humans	Chimpanzees, orangutans, gorillas	Causes vomiting and diarrhea, with low-grade fever	Found in young chimpanzees, orangutans, and gorillas, with diarrhea, anorexia, and vomiting

\*Serological evidence of infection without signs.

Polio

Coxs

Rhino-  
type  
simi  
SA3Cap  
are mo  
high t  
album  
disease  
the an  
Any  
must t  
proof  
United  
fever  
days  
ropsie  
of yel  
wild-ca  
fever  
These  
of yello

KYASA

in

Table 31-8. ZOO NOTIC PICORNAVIRUS INFECTIONS

Virus	Definitive Host(s)	Affected Host(s)	Risk to Humans	Comments
Poliovirus	Humans	Gorillas, chimpanzees, orangutans, black-and-white colobus monkeys	Polio	Virus acquired by the oral route; animals can develop meningitis, encephalomyelitis, paralysis; animals may become an asymptomatic carrier for up to 8 weeks; vaccination of great apes with oral trivalent poliovirus vaccine is recommended
Coxsackievirus	Humans	Chimpanzees	Minimal	Diagnosed in a newborn, undersized female chimpanzee; several hours after birth, animal was lethargic, hypothermic, had an irregular pulse; at 6 weeks, she developed diarrhea and respiratory symptoms, then developed cardiomegaly and died
Rhinovirus (reovirus types 1, 2, and 3; simian reovirus SA3 and SV12)	Humans, chimpanzees, rhesus macaques, gibbons, African green monkeys	Gibbons, chimpanzees, rhesus macaques	Minimal; newborn babies develop pneumonia and diarrhea, and children develop febrile exanthema and diarrhea; can cause vomiting and diarrhea, with a low-grade fever	Usually a subclinical infection develops in gibbons and chimpanzees; occasionally, virus causes a coryza-type syndrome in these primates; probably acquired from humans with respiratory infections, so animal keepers who are ill should avoid working with nonhuman primates; a spontaneous reovirus type 2 infection in a chimpanzee caused rhinitis and common cold symptoms; reovirus type 2 (also identified as SV59) caused interstitial pneumonitis; viruses are excreted through the respiratory or intestinal tract; infections have been spread between humans and nonhuman primates, and vice versa

Capuchins, spider monkeys, and squirrel monkeys are more resistant to infection. Clinical signs include high fever, chills, lethargy, jaundice, emesis, and albuminuria, with elevated antibody titers, but the disease is rarely fatal. The virus can be isolated from the animal's blood, and rarely from its liver.

Any nonhuman primates from a yellow fever area must be maintained in a double-screened, mosquito-proof enclosure for 9 days before importation to the United States or must be immunized against yellow fever prior to importation. Monkeys dying within 10 days after arrival in the United States must be necropsied, paying particular attention to any evidence of yellow fever lesions. Personnel handling newly wild-caught nonhuman primates from endemic yellow fever areas should be vaccinated against the virus. These precautions have so far prevented the spread of yellow fever into the United States.

#### KYASANUR FOREST DISEASE

Kyasanur forest disease (KFD) was first discovered in an epidemic among Indian natives and an epizootic

among bonnet macaques and Hanuman langurs in the Kyasanur Forest in India in 1957. The virus belongs to the tick-borne Russian spring-summer encephalitis virus group, and is spread by *Haemaphysalis*, *Ixodes*, and *Dermacentor* ticks.

During the viremic phase of the illness, 6 to 8 days after experimental inoculation, there is a marked pancytopenia, fever, and bradycardia. This is followed by an encephalic phase from which few monkeys survive.

At necropsy, signs of epistaxis and bleeding from the gut can be found. Also evident are focal necrosis of the liver, degenerative changes in the cortical convoluted tubules of the kidney, and increased nuclear debris in the lymph nodes. Most animals die 10 to 12 days after viral inoculation. Animals that die later than the 15th day after inoculation have a nonsuppurative encephalomyelitis.

Several other arboviruses have been recognized as being involved in a primate-human cycle, but their significance in nonhuman primates is unknown. Simians may be involved in the maintenance of some of these diseases as reservoirs in the wild.

### VIRAL HEPATITIS

Viral hepatitis is discussed elsewhere in this chapter (see earlier, Viral Hepatitis in New World Primates).

### FILOVIRUS INFECTION

In 1989 and 1990, filoviruses were isolated from crab-eating (cynomolgus) macaques imported from the Philippines. The viruses were morphologically identical to the Marburg and Ebola viruses, but were found to be antigenically and genetically distinct.<sup>10</sup> Because of the devastating effect of the Marburg and Ebola viruses on humans, there was great concern when these viruses were isolated from the cynomolgus monkeys. Several workers demonstrated seroconversion after exposure to the monkeys, but no evidence of illness from these viruses has been documented to date in humans. This virus is discussed elsewhere in this chapter (see earlier, Emerging Viral Diseases of Nonhuman Primates in the Wild).

## PARASITIC DISEASES

### Enteric Infections

The infective stages of enteric nonhuman parasites may be ingested by humans because of poor hygiene. The parasitic cysts may be aerosolized when cages are cleaned with high-pressure cage washers and the particles are inhaled or ingested. Human parasites can be transmitted to primates by feeding them unwashed fruits and vegetables that have been contaminated with human feces, either in the field or by handling the food with dirty hands. Special care should be taken when cleaning cages and handling contaminated food pans and specimens.

### Protozoan Infections

**Amebic Dysentery.** *Entamoeba histolytica* is a pathogen for both nonhuman primates and humans. It produces an infective cyst that is resistant to drying and disinfectants. It is transmitted through food, water, insects, and fomites by ingestion.

Old World monkeys are commonly infected. Young monkeys and New World monkeys are more susceptible to severe infections with this parasite. There is a great difference in virulence among strains of organisms. Virulence is also affected by the host species infected, the nutritional state of the host, environmental factors, and bacterial microflora in the gut.<sup>11</sup> *Entamoeba histolytica* only becomes pathogenic when it invades the gut mucosa. Affected animals show signs of weakness, dehydration, anorexia, vomiting, and severe diarrhea, which may contain mucus and blood. The parasite causes a mild to severe necrotic ulcerative colitis. After invasion of the gut, the parasite may enter the lymphatics and produce amebic abscesses in the liver, lungs, and central nervous system.

Both nonhuman primates and humans can be asymptomatic carriers. In some colonies, 100% of

the animals become infected. This parasite is difficult to identify in the stool because it is easily confused with numerous nonpathogenic protozoa.

**Giardiasis.** Giardiasis lamblia is a protozoan parasitism that has been increasing in humans. It is transmitted by ingestion of the infective cysts.

This protozoa inhabits the upper small intestine. Trophozoites and cysts are passed in the stool. The infection is associated with diarrhea and mucus, but without blood. Occasionally there are signs of abdominal pain, nausea and vomiting, flatulence, urticaria, and intolerance for certain foods. Carriers may be asymptomatic. The protozoa may be transmitted from primates to humans. The infection is more common in children and young animals than in adults.

**Balantidiosis.** *Balantidium coli* is a common protozoan parasite found in nonhuman primate stool samples. It can cause severe diarrhea in humans. It is rarely a problem in most nonhuman primates except for gorillas, in whom it may cause severe ulcerative enterocolitis. The animals are anorexic and have weight loss, muscle weakness, lethargy, watery diarrhea, and tenesmus. Large ulcers are present in the muscularis mucosa, with a lymphocytic infiltrate, coagulative necrosis, and hemorrhage on histopathological examination.<sup>17</sup>

Infection is transmitted through the ingestion of trophozoites or cysts. The organism is usually nonpathogenic and is found in the cecum of nonhuman primates. It may be associated with loose stools but is most likely an opportunistic protozoa inhabiting the gut.

### Hemoprotozoal Infections

Hemoprotozoal infections are listed in Table 31-9.<sup>18</sup>

### Helminthic Infections

Helminthic infections are presented in Table 31-10.<sup>1, 18</sup>

### Arthropod Infections

#### Lice, Fleas, and Tick Infection

Many lice, fleas, and ticks infect nonhuman primates. Humans can acquire many of these parasites through direct contact; these may include the human head and body louse (*Pediculus humanus*), the chigoe flea (*Tunga penetrans*), and ticks (*Ornithodoros* sp.). Most of these infestations are associated with skin infection characterized by itching, scaling, and inflammation. Most nonhuman primates, because of their grooming behaviors, prevent severe infections with these ectoparasites. However, the risk of these arthropods as intermediate hosts for parasitic or viral diseases must be recognized. Ticks can act as intermediate hosts for such diseases as yellow fever and relapsing fever.

Mala

Tryp.  
Ch.  
sle

Leish

Nemat.  
Stror

Pinw

Table 31-9. ZONOTIC HEMOPROTOZOAL INFECTIONS

Disease	Causative Agent	Nonhuman Primate Host	Development and Transmission	Vector or Intermediate Host
Malaria	<i>Plasmodium</i> sp.	All nonhuman primates (except rhesus macaques, tamarins, marmosets, owl monkeys)	Indirect life cycle; mosquitos are biological vectors; sexual phase in mosquitos and asexual stage in humans or nonhuman primates, where it exists in the liver or blood phase	Mosquitos ( <i>Anopheles</i> sp.)
Trypanosomiasis, Chagas' disease, sleeping sickness	<i>Trypanosoma cruzi</i> , <i>T. brucei</i> , etc.	South American nonhuman primates (squirrel monkeys, marmosets, capuchins, spider monkeys, uakaris)	Parasite exists in the host in the blood, in skeletal or cardiac muscle cells, or elsewhere in the body; parasite transmitted by insects or possibly by accidental injection	Insect vector
Leishmaniasis	<i>Leishmania</i> sp.	Nonhuman primates have been experimentally infected and have been postulated to be potential reservoir hosts	Normal reservoirs are ground-dwelling species (e.g., dogs, foxes, jackals, gerbils)	Sandflies ( <i>Phlebotomus</i> sp.)

Table 31-10. ZONOTIC HELMINTHIC DISEASES

Disease	Causative Agent	Nonhuman Primate Host	Development and Transmission	Vector or Intermediate Host
Nematodes Strongyloidiasis	<i>Strongyloides fullerborni</i> , <i>S. cebus</i> , <i>S. stercoralis</i>	Fatalities have occurred in orangutans, chimpanzees, gibbons, patas monkeys, woolly monkeys	Direct life cycle; infective third-stage filariform larvae is free-living or in fresh feces; may penetrate skin, mucosa, or gut wall, migrate through blood to lungs, to mouth, and swallowed; sexual stage develops as parthenogenic female in small intestinal mucosa; eggs develop into rhabditiform larvae, which pass in stool or molt in gut into infective third-stage larvae, which can autoinfect; rhabditiform larvae in stool can mature into infective larvae or reside outside the host as free-living sexual stage, which can then produce infective larvae	None
Pinworms	<i>Enterobius vermicularis</i>	Old World monkeys, great apes	Direct life cycle; ova spread by air or dust and spread from hand to mouth; ova are swallowed and develop into adults, which reside in colon	None

Table continued on following page

Table 31-10. ZOONOTIC HELMINTHIC DISEASES *Continued*

Disease	Causative Agent	Nonhuman Primate Host	Development and Transmission	Vector or Intermediate Host
Oesophagostomiasis	<i>Oesophagostomum</i> sp.	Old World monkeys	Direct life cycle; ova passed in stool, hatch into larvae in 48 hours, and are swallowed; larvae pass into colon where they penetrate gut wall, forming firm, encapsulated nodules that rupture in 5-8 days, releasing an adult worm; once infected, animals may become immunized against reinfection; nodules may become calcified or caseated	None
Filariasis	<i>Loa loa</i> <i>Brugia malayi</i> , <i>B. pahangi</i> <i>Onchocerca volvulus</i> <i>Dipetalonema streptocerca</i> <i>D. rodhaini</i> , <i>D. pongoi</i> <i>D. immitis</i>	Gorillas, chimpanzees, drills, baboons, mangabeys, vervets, Asian monkeys	Indirect life cycle; adult worms live outside digestive tract; female worms produce microfilariae that circulate through blood or live in subcutaneous tissue; biting and blood-sucking insects transfer parasite to humans or other mammals	Biting and blood-sucking insects
Anatrichosomiasis	<i>Anatrichosoma cutaneum</i> , <i>A. cynomologi</i>	Macaques, langurs, patas monkeys, talapoins, gibbons, marmosets, siamangs, mangabeys	Resides in nasal mucosa and stratum malpighii near basal layer of the skin; female worms migrate through superficial keratin layers of squamous epithelium, depositing eggs in the tunnels behind them and causing creeping eruptions; transmission probably through direct contact	None
Cestode Hymenolepiasis (tapeworm)	<i>Hymenolepis nana</i>	Rhesus macaques, squirrel monkeys, chimpanzees	Does not require an intermediate host; may pass through beetle or flea or autoinfect by eggs hatching in intestine and developing into adults	May pass through a dwarf beetle or flea
Trematodes Dinobdelliasis	<i>Dinobdella ferox</i>	Macaques	Leeches are parasites of nasal cavity of macaques and can attack humans; life cycle is direct; adults are hermaphroditic and eggs are laid on objects near the pond's surface; eggs hatch and immature leeches are ingested by nonhuman primates or humans while drinking; leech attaches to upper respiratory mucosa, sucking blood until it matures and then drops out through nostrils	None
Schistomiasis	<i>Schistosoma mansoni</i> , <i>S. haematobium</i> , <i>S. incognitum</i>	Baboons	Resides in inferior mesenteric veins or portal vein; eggs penetrate vessel wall and accumulate in perivascular tissues, pass into intestines, and pass out with stool; eggs hatch in fresh water to miracidia, which enter snail's body to change into sporocysts and cercariae; these are released from snail and penetrate skin of human or nonhuman primate; they then migrate to vascular system near liver and mature to adults; humans are infected when they drink infested water	Snail

The  
been  
gorilla  
bons.  
includ  
ors, a  
the si  
can b  
or by

## Refer

1. A  
ea  
D
2. B  
B
3. H  
hu  
ro  
ge
4. K  
nir  
po  
70
5. K  
a z
6. K  
pre  
mo

NO  
RET  
SIM  
IMA  
SYN

Linda J  
Nichol

Noni  
hosts t  
gibbon  
potenti  
or ape  
groups  
associa  
quired  
mans.<sup>12</sup>  
tropic  
collecti  
rovirus.  
SP-10;  
8

### Mite Infection

The sarcoptic mange mite (*Sarcoptes scabiei*) has been reported from crab-eating macaques, drills, gorillas, chimpanzees, orangutans, siamangs, and gibbons. Signs of infection in nonhuman primates can include intense itching, weakness, weight loss, tremors, anorexia, alopecia, and thickening and scaling of the skin. *S. scabiei* infections in nonhuman primates can be transmitted to humans through direct contact or by contact with contaminated objects.

### References

1. Acha PN, Szfres B: Zoonoses and communicable diseases common to man and animals (ed 2). Washington, DC, Pan American Health Organization, 1987.
2. Brack M: Agents transmissible from simians to man. Berlin, Springer-Verlag, 1987.
3. Hunt RD: Viral diseases of neonatal and infant nonhuman primates. In Benirschke K (ed): Primates: The road to self-sustaining populations. New York, Springer-Verlag, 1986, pp 725-742.
4. Kalter SS: Simian viruses and virus diseases. In Benirschke K (ed): Primates: The road to self-sustaining populations. New York, Springer-Verlag, 1986, pp 681-707.
5. Kalter SS: Infectious diseases of nonhuman primates in a zoo setting. Zoo Biol (suppl 1):61, 1989.
6. Kaplan JE, Balk M, Brook B, et al: Guidelines for prevention of *Herpesvirus simiae* (B virus) infection in monkey handlers. Lab Anim Sci 37:709, 1987.

7. McClure HM: Bacterial diseases of nonhuman primates. In Montali RJ, Migaki G (eds): The comparative pathology of zoo animals. Washington, DC, Smithsonian Institution Press, 1980, pp 197-218.
8. McClure HM, Brodie AR, Anderson DC, et al: Bacterial infections of nonhuman primates. In Benirschke K (ed): Primates: The road to self-sustaining populations. New York, Springer-Verlag, 1986, pp 531-556.
9. Migaki G: Mycotic infections in nonhuman primates. In Benirschke K (ed): Primates: The road to self-sustaining populations. New York, Springer-Verlag, 1986, pp 557-570.
10. Muchmore E: An overview of biohazards associated with nonhuman primates. J Med Primatol 16:55, 1987.
11. Nayar GPS, Crawshaw GJ, Neufeld JL: Tularemia in a group of nonhuman primates. J Am Vet Med Assoc 175:962, 1979.
12. Ott-Joslin JE: Viral diseases in nonhuman primates. In Fowler ME (ed): Zoo and wild animal medicine (ed 2). Philadelphia, WB Saunders, 1986, pp 674-697.
13. Renquist DM: Selected biohazards of naturally infected nonhuman primates. J Med Primatol 16:91, 1987.
14. Renquist DM, Whitney RA: Zoonoses acquired from pet primates. Vet Clin North Am Small Anim Pract 17:219, 1987.
15. Richardson JH: Basic considerations in assessing and preventing occupational infections in personnel working with nonhuman primates. J Med Primatol 16:83, 1987.
16. Smith LG, Steigbigel NH: Zebras at the Bronx Zoo. Patient Care 25:108, 1991.
17. Toft JD: The pathoparasitology of nonhuman primates. In Benirschke K (ed): Primates: The road to self-sustaining populations. New York, Springer-Verlag, 1986, pp 571-679.

## NONHUMAN PRIMATE RETROVIRUSES AND SIMIAN ACQUIRED IMMUNODEFICIENCY SYNDROME

Linda J. Lowenstine  
Nicholas W. Lerche

Nonhuman primates have long been known to be hosts to various retroviruses, among which only the gibbon ape leukemia virus was thought to be of potential significance to the health of captive monkeys or apes. In the 1980s, however, three additional groups of retroviruses were identified, sometimes associated with clinical syndromes similar to the acquired immunodeficiency syndrome (AIDS) of humans.<sup>14, 23, 26</sup> These viruses are the simian T-lymphotropic viruses (a group of type C retroviruses, collectively called STLV-1); the simian type D retroviruses (also called simian AIDS retroviruses, or SRV); and the simian immunodeficiency viruses (a group of lentiviruses closely related to the human

immunodeficiency viruses HIV-1 and HIV-2, and collectively referred to as SIVs). These viruses have in common their ability to infect cells that are critical for the immune competency of their host. A sero-epidemiological survey has demonstrated the presence of these viruses in zoo collections.<sup>29</sup> Other studies have identified infections in primates in the wild and captive in their countries of origin, as well as in primate research centers and vivaria.<sup>6, 21, 28</sup>

The study of these three groups of retroviruses is a rapidly expanding field because of the usefulness of the agents as models for human diseases. New data that could be added to a discussion such as this appear in the literature almost monthly. Captive and free-ranging primates can benefit from this research.

### SIMIAN T-LYMPHOTROPIC RETROVIRUSES

STLV-1 is a type C retrovirus of the subfamily Oncornavirinae that is highly related genetically to and nearly indistinguishable immunologically from the human T-cell leukemia virus, HTLV-1. These viruses are named for their nearly exclusive tropism for thymus-derived lymphocytes. The human T-cell leukemia virus is associated with "atypical" or "adult" T-cell leukemia (ATL). The incidence of



**THE PET NONHUMAN PRIMATE:  
HEALTH CONCERNS AND SAFETY MEASURES**

Cathy A. Johnson-Delaney, D.V.M.  
Primate Seminar 11-16-91

OR....

**What you can't see CAN hurt you.**

**Zoonotic Disease Potential**

Because of the close phylogenic relationship between nonhuman primates (NHP) and humans, disease agents ubiquitous to NHP may cause severe or even fatal illness in humans. Many fairly common ailments affect both, and can be transmitted between the humans and monkeys in a household. There are also potential problems with disease transmission to other pets in the household. Of constant concern must also be bite wounds or scratches inflicted by the monkey, not only because of the immediate trauma of the bite or scratch itself, but of the possibility of pathogen transmission. The owner or handler should seek immediate advise from their physician should a bite or scratch occur.

The most widely used definition of zoonoses refers to those diseases, illnesses, and infestations which are naturally transmitted between vertebrate animals and humans. The most common usage of the term is for those diseases transmitted from animal to man. Although wild-caught NHP present a great many potential causes of human infectious disease, those domestically bred can carry indigenous latent infections and parasitic infestations. This presentation will attempt to outline some of the more frequently found zoonosis that owners of NHP should be aware of. This list is by no means complete, and continued attention to decreasing potential avenues for exposure, preventive medical procedures, attention to personal protection, sanitation and management procedures must be constantly addressed.

**Routes of Exposure:**

- bite wounds
- cuts, abrasions from contaminated items e.g. cage, toys
- aerosol contact with mucous membranes
- ingestion

Protection particularly during cage cleaning is recommended. Disposable respirator (mask), safety glasses or full face shield. Disposable waterproof shoe covers or boots (dispose at exit), **GLOVES**.

**Monkey Bite/Scratch/Spit First Aid Kit**

1. Dakin's Solution - a buffered 10% bleach solution
2. Hibiclens<sup>R</sup> - antiseptic skin cleanser
3. Dacriose - sterile ophthalmic irrigating solution
4. Iodophor surgical scrub sponge/brush (Betadyne<sup>R</sup>)
5. Disposable latex gloves - at least one pair/person in household.
6. Sterile packet of gauze and irrigation syringe
7. Sterile bowl
8. Safety glasses/face shield
9. Phone number(s) for emergency room/hospital; Map to hospital
10. Step-by-step printed instructions.
  - a. Scrub wound vigorously with Hibiclens
  - b. Saturate gauze sponges with Dakin's solution using gloved hands (gauze in bowl, pour in Dakin's)
  - c. Vigorously scrub and soak wound for a full 15 minutes. (note:Dakin's may cause minor skin irrit.)
  - d. Irrigate deep wounds with Dakin's (syringe)
  - e. Loosely cover wound with dry gauze
  - f. Proceed to Emergency!

Eye Splashes: irrigate contaminated eye with clear water or Dacriose for full 15 minutes. Go to Hospital!  
Also inform the attending physician of the animal (species), and provide her/him with your veterinarian's name/number. Your veterinarian, physician, and public health officer will confer: your monkey may need to be tested, depending on currency of your pet's known health conditions, vaccination status, serologic status.

## Infectious Diseases of Nonhuman Primates - Bacterial

- Tuberculosis (human, bovine, avian)
- Shigellosis
- Mycoplasma Infections
- Leptospirosis
- Pseudotuberculosis
- Pasteurellosis
- Respiratory (Pneumococcus, Staphylococcus Streptococcus, Haemophilus, Klebsiella, Bordetella)
- Enteric (Proteus, Shigella, Salmonella, E.coli, Campylobacter, other)
- Meningitis (Neisseria, Pneumococcus, Staphylococcus Haemophilus, others)

(Numerous organisms are frequently recovered from simian tissues that are not presently associated with disease in the non-immunosuppressed animal or human.)

## Infectious Diseases of Nonhuman Primates - Mycotic (Fungal)

- Aspergillosis
- Histoplasmosis
- Dermatomycosis
- Coccidiomycosis
- Moniliasis
- Blastomycosis
- Cryptococcosis
- Nocardiosis

(Numerous organisms are frequently recovered from simian tissues that are not presently associated with disease in the non-immunosuppressed animal or human.)

## Infectious Diseases of Nonhuman Primates - Parasitic

- Amebiasis
- Leishmaniasis
- Giardiasis
- Acanthocephala Inf.
- Pentastomid Inf.
- Filariasis
- Trematode Inf.
- Cryptosporidia
- Balantidiasis
- Toxoplasmosis
- Malaria (Heaptocystis)
- Strongyloidiasis
- Troglodytella Inf.
- Acariasis (Pulmonary, Cutaneous)
- Ascariasis
- Coccidia
- Trypanosomiasis
- Trichomoniasis
- Schistosomiasis
- Oesophagostomiasis
- Trichostrongylosis
- Ancylostomiasis

## Infectious Diseases of Nonhuman Primates - Viral

### HERPESVIRUSES

- *H.simiae* (B-virus)
- *H. hominis*
- *H. tamarinus*
- *H. varicellae*
- *H. saimiri*
- Cytomegalovirus
- SA 8
- Patas Monkey Virus
- Epstein-Barr Virus
- *H.aotus*
- Chimpanzee Herpesvirus
- Gorilla Herpesvirus

### POXVIRUSES

- Monkeypox
- *Molluscum contagiosum*
- Yaba and Yaba-like

### ARBOVIRUSES

- Yellow Fever
- Kyasanur Forest
- Dengue and others

### MYXOVIRUSES

- Measles
- Respiratory Syncytial
- Parainfluenza- Influenza

### ADENOVIRUSES

### PICORNAVIRUSES

- Poliovirus
- Cocksackievirus
- Echovirus
- Hepatitis A

### RETROVIRUSES

### MISCELLANEOUS

- Marburg (African Green Monkey Disease)
- Ebola
- Rubella
- Hepatitis B, Delta, HCV, Callitrichid.....
- Rabies

(Numerous viruses are recovered from simian tissues and body fluids, their capacity to produce disease is not known in most instances.)

## MAJOR DISEASES - From Humans to Nonhuman Primates:

Measles      Chicken Pox (Varicella)      Tuberculosis      Influenzas and "colds"      Parasites (various)  
Dermatomycosis (Ringworm)      Staph, Strep, Campylobacter, Salmonella, etc.

## VACCINATION - Protection for both the Nonhuman Primate and the Human Primate

### Nonhuman Primate:

- Measles (all species)
- Tetanus (all species)
- Trivalent Oral Poliovirus (great apes only)
- Rabies (housed outdoors, enzootic rabies area)

### Human Primate:

- Measles (Rubeola); German Measles (Rubella)
- Tetanus
- Poliovirus
- DIPHTHERIA/PERTUSSIS/TETANUS (DPT)
- MUMPS, or (MMR or MR)
- ??Influenza, Haemophilus, Hepatitis B, Rabies

## Other Companion Pets in the Household - Potential Diseases traded between NHP and:

Birds: Psittacosis, Avian TB, Salmonella, Giardia, Coccidia.....

Reptiles: Salmonella, Shigella, Balantidium, Entamoeba.....

Dogs, Cats, Ferrets: Campylobacter (Helicobacter), Toxoplasmosis, Ascariasis, Acariasis, Dermatomycosis, Bordetella, Pasteurellosis, Coccidia .....

Rabbits, Rodents: Pasteurellosis, Dermatomycosis, Coccidia, Mycoplasma, Salmonella, Balantidium, Acariasis, .....

## Responsibility of the owner of a Nonhuman Primate:

- \* To yourself, your family (human and nonhuman)
- \* To contacts-visitors, friends, acquaintances, "the public"
- \* To the Nonhuman Primate!!!!

## MORE ABOUT HERPES B

Exposure:      Macaque Bites, Scratches, Aerosol contamination, lesions from an infected person, animal

### In the Macaque:

- Harmless disease characterized by:
  - short duration
  - mild clinical signs
  - vesicular lesions in the oral cavity i.e. "canker sore" type...
  - non-responsive mild conjunctivitis
  - light nasal discharge
  - mild pneumonia

The virus may be shed with clinical signs. The virus may be shed without clinical signs. The virus is shed intermittently.

**CONSIDER ALL ADULT MACAQUES INFECTED!**

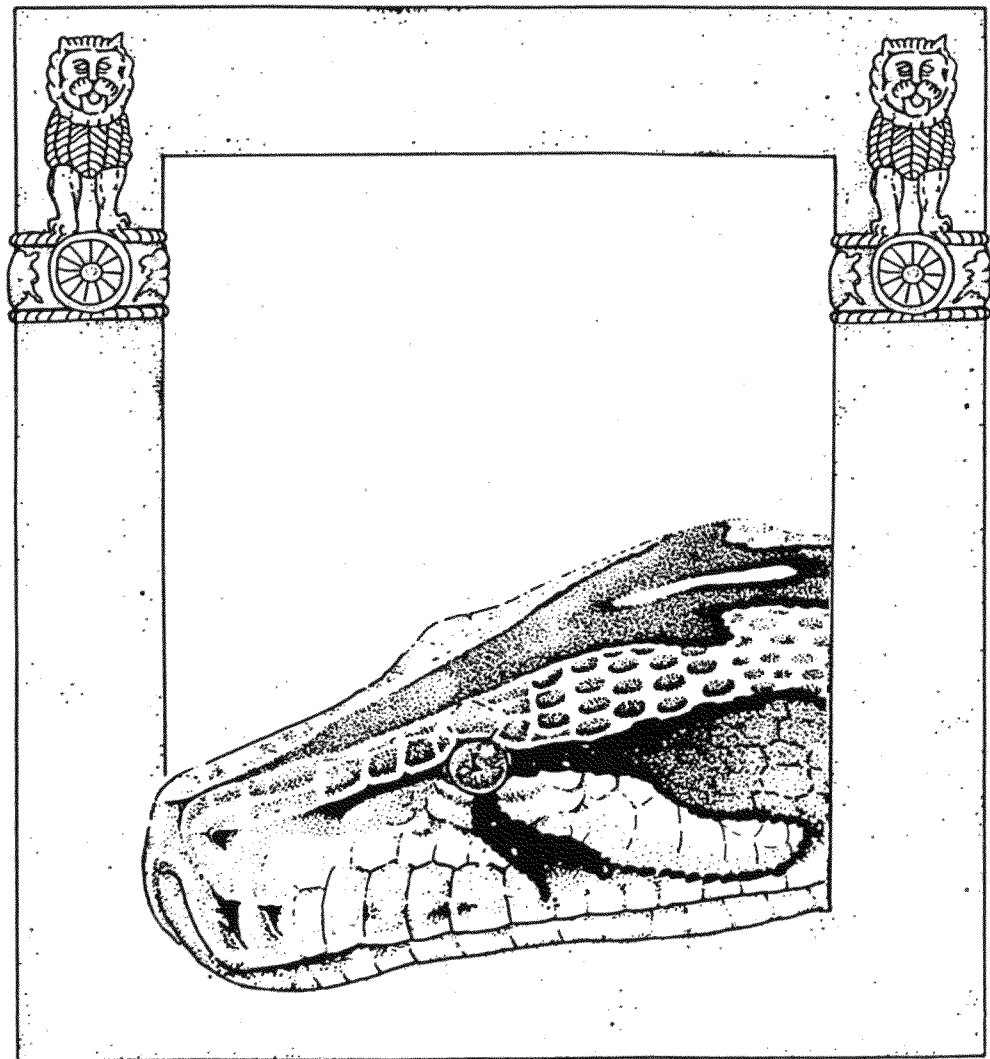
### In the Human:

- High mortality if infection occurs:
  - acute onset - neurotropic disease (high fever, encephalitis, coma-resp. arrest-death)
  - available antivirals can control the course of the disease
  - early detection of the virus increases chances for successful treatment
  - ...low frequency for transmission, but lower still if no exposure!!!

The General Care and Maintenance  
of  
**BURMESE PYTHONS**

including notes on other large pythons

by Philippe de Vosjoli



The Herpetocultural Library  
Series 200



tion

# Before Buying a Burmese Python

hatchling Burmese python which has an outstanding docile temperament has ever equalled this particular Burmese python eventually etological shows and in several reptiles. This special animal pythons and popular misconceptions hands trying to get a feel of the

Many people who buy Burmese pythons probably should not. They have no clear notion of the difference between the small hatchling which can be held in one hand and be housed in a ten gallon vivarium and the large adult which may require two people for handling and will require a cage that will take up a significant portion of a room. Most first time Burmese python buyers also don't fully grasp the fact that they will start by feeding their baby snake a mouse and end up with having to feed it large rabbits..

in disposition and a greater degree species have made the Burmese pet. Yet Burmese pythons are in the docile personality of many agency and quality of interaction), e, heavy, powerful predators that will not make them suitable as pets tain dog breeds, Burmese pythons

If you want a large snake, there are other species which don't grow quite as large and are easier to handle as adults such as boa constrictors, Dumeril's boas, rainbow boas, ball pythons and carpet pythons. Granted, Burmese pythons also have great qualities: large and impressive size, beauty and many, when captive raised from juveniles, have about the nicest personality you can find in a snake. But is a giant snake really what you want?

creasing numbers of captive-bred urists as snake pets. The growing on of a slowly growing change of reptile keeping. At another level population has become a concern the wisdom of allowing private "dangerous" large constrictors. The rth to various agencies every year ng large snakes. Most of these many, at a time when the general ive in, indirectly perpetuate bias, ces.

This type of decision is no different than that which confronts a dog buyer. Before purchasing a snake, one must consider one's lifestyle such as whether one lives in an apartment or a large home, whether one has children, how much free time one has, the ease of obtaining required food items as well as the selection of the breed, say a kingsnake, rainbow boa, boa constrictor or a Burmese python. Is the Burmese python going to end up in your studio apartment or in a special room on the bottom floor of the house? Are your young children likely to tamper with it? If you're an older person, will you be able to handle it when it exceeds 60 pounds? Will there be someone there to help you? These are the things one should think about if one intends to be a responsible snake owner.

issues and to present facts and Burmese pythons and other large

## BEING A RESPONSIBLE SNAKE OWNER

Every year, hundreds of pet snakes in the U.S. escape from their inadequate cages. Many are never heard of again. Others end up making the news including many escapee large constrictors (the State of Florida seems to be # 1 on the list for reported escaped large constrictors). Every time this happens, this gives fuel to those who want to oppose the keeping of exotic animals including large constrictors by the private sector. In addition, bad P.R. is caused by individuals who take their snakes out in public places outside of the proper forum for such displays and by individuals who intentionally aim to shock people. The news media loves incidents that involve reptiles. The public subconsciously must look forward to these incidents. It gives them something to talk about and it didn't even have to come out of the National Enquirer.

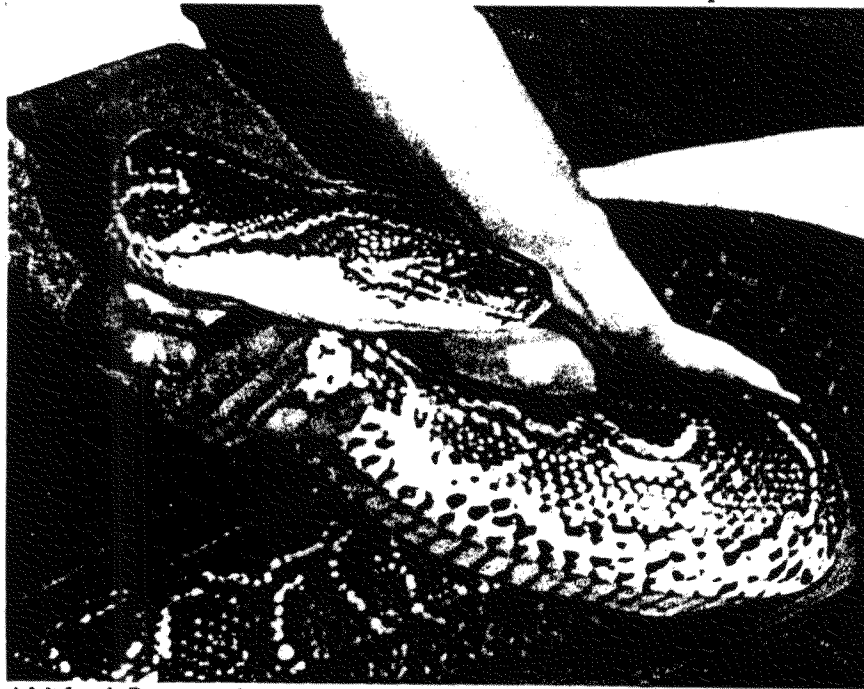
Ernie Wagner of Seattle WA., for

## RESPONSIBLE SNAKE OWNERSHIP

In terms of snake ownership, the author supports some of the views recently presented by board members of the American Federation of Herpetoculturists, a non-profit organization which represents the interests of herpetoculturists while taking into consideration both the welfare of the general public and the welfare of amphibians and reptiles. The AFH emphasizes responsible herpetoculture as the backbone of its position on the keeping of amphibians and reptiles. With regard to the ownership of large constrictors, an outline of the AFH views which has been presented at several hearings in Southern California is as follows:

A. In consideration of the right of the general public not to be exposed unexpectedly to snakes such as large constrictors and in consideration of the irresponsible behavior of certain snake owners, the AFH recommends that snakes not be openly displayed in a public setting outside of proper and established forums for such practices such as herpetological shows, educational displays, pet stores and presentations, and other special displays whereby members of the public are forewarned that a snake(s) may be displayed in the open.

B. The AFH recommends that all snakes be transported in a manner that precludes escape: In a sturdy cloth bag free of holes or tears which is then placed inside a



Adult female Burmese python

box or similar container with holes for aeration. The box or container should then be sealed or locked shut. Another alternative is to double bag snakes. Care must be taken to use sturdy cloth bags with a weave that allows for adequate air flow. Airlines should be consulted as to their requirements when shipping snakes by air.

C. For the keeping of large constrictors eight feet or more, the AFH recommends general caging regulations whose effects are similar to those which require dog owners to keep their pets within the confines of their property. Caging regulations for large snakes should require owners of such snakes to house them in secure cages with hinged top or doors or a sliding glass front which include a locking mechanism. Such enclosures should preferably be contained in a large room modified to prevent snake escapes and with a door which shall be kept shut or locked when not occupied by the owners. This recommendation is made to require responsible herpetocultural practices by individuals in consideration for the animals, for family members and for members of the general public. As herpetoculturists we will all benefit by adopting these responsible practices.

D. When handling any of the giant snakes (Green anaconda, Indian and Burmese python, African rock python, reticulated python and amethystine python) over 8 feet, the AFH recommends that another individual be present or at the very least within calling reach. The probability of any serious problem occurring when handling such snakes is very remote but the AFH position is that herpetoculturists, out of responsibility to themselves, to family members and to other herpetoculturists, should handle and maintain large snakes in a manner that significantly prevents the likelihood of any accident or incident.

E. The AFH does not recommend the ownership of the above mentioned giant constrictors as well as other large (adult size over seven feet) boid snakes by minors without parental consent to assume responsibility for proper housing, maintenance and supervision when handling.

F. As with any other animals such as dogs, owners of large constrictors should remember that they can be liable for the medical costs of treating injuries as well as additional financial damages for traumas or damage caused by their animals.

The AFH is currently drafting an official statement on the keeping of large constricting snakes by the private sector as well as a legislative package to help herpetocultural organizations contend with legislative issues relating to this matter.

For information write to: The American Federation of Herpetoculturists, P.O. Box 1131, Lakeside, CA, 92040.

With my compliments  
JH Trestrail, III  
1-30-84  
exotic pet file



WESTERN MICHIGAN  
POISON CENTER

JOHN H. TRESTRAIL, III, B.S. PHARMACY  
Associate Director  
and  
Poison Information Specialist

1840 Wealthy, S.E.  
Grand Rapids, MI 49506

Phone: (616) 774-7855  
1-800-632-2727

Reprinted from Proceedings of the 1982 International Congress of Clinical Toxicology  
and the Second World Meeting of Clinical Toxicology, August 8-13, 1982 - Snowmass, Colorado, USA.,  
Veterinary and Human Toxicology, Vol. 24, Supplement 1982, pp. 144-149.

G-16. THE "UNDERGROUND ZOO" - THE PROBLEM OF EXOTIC VENOMOUS SNAKES  
IN PRIVATE POSSESSION IN THE UNITED STATES

John H Trestrail, III, RPh  
Western Michigan Poison Center  
1840 Wealthy, SE, Grand Rapids, MI 49506

Said I to the keeper at the zoo,  
It's a good thing that pet snakes are so few.  
He said: the zoo you see here,  
Is not the one you should fear.  
There's also one "underground" too.

Most poison centers in the United States routinely handle calls involving treatment of those snake species native to North America. There exists, however, a number of exotic venomous snakes in the United States, either in zoos, research facilities, or often secretly held in private collections of amateur herpetologists forming an "underground zoo." Does the presence of these exotic species constitute a problem for medical personnel in their rapid and effective management of the envenomated patient? To what extent do bites by these exotic species occur, and under what circumstances? In an attempt to answer some of these ques-

tions, a survey was undertaken of the 25 regional poison centers recognized by the American Association of Poison Control Centers (AAPCC) in 1981 in order to determine their experiences with exotic snake bites from 1975-1980 and the awareness of poison center personnel as to the presence of any exotic snake specimens in their areas. Nationally prominent medical consultants on snake bite poisoning were also surveyed to determine their involvement in exotic envenomations during the same five year period. There apparently exists in the amateur herpetological communities a certain amount of skepticism of the ability of their local poison centers and emergency department personnel to handle their case of envenomation by exotic species, should it happen. To more effectively provide care to the patient of the exotic envenomation, the medical professionals and the amateur herpetologists must be brought

Table 1. 1981 AUCP Recaptured National Prison Centers, Tennessee Since 04/18-1983							
	A	B	C	D	E	F	G
	CLIFFS LOCALITY	1979 GALL #	1981 GALL #	REAL RECAPTURE THREE GALLS	1979 GALL #	1979 GALL #	1979 GALL #
1	CLIFFS, TN	17,295	7.7	117	3	751	CLIFFS IN 1979 GALL.
2	CLIFFS, TN	16,280	1.4	28	0	600	CLIFFS IN 1979 GALL.
3	CLIFFS, TN	16,270	11.4	7	0	0	CLIFFS IN 1979 GALL.
4	CLIFFS, TN	16,280	16.1	201	1	1000	CLIFFS IN 1979 GALL.
5	CLIFFS, TN	16,280	5.0	115	0	1000	CLIFFS IN 1979 GALL.
6	CLIFFS, TN	16,280	120.0	-	-	1000	CLIFFS IN 1979 GALL.
7	CLIFFS, TN	16,280	12.0	-	-	1000	CLIFFS IN 1979 GALL.
8	CLIFFS, TN	16,280	7.0	-	-	1000	CLIFFS IN 1979 GALL.
9	CLIFFS, TN	16,280	0.0	-	-	1000	CLIFFS IN 1979 GALL.
10	CLIFFS, TN	16,280	75.0	48	0	1000	CLIFFS IN 1979 GALL.
11	CLIFFS, TN	16,280	0.0	-	-	1000	CLIFFS IN 1979 GALL.
12	CLIFFS, TN	16,280	2.7	2	1	1000	CLIFFS IN 1979 GALL.
13	CLIFFS, TN	16,280	1.4	71	1	1000	CLIFFS IN 1979 GALL.
14	CLIFFS, TN	16,280	76.0	0	0	1000	CLIFFS IN 1979 GALL.
15	CLIFFS, TN	16,280	16.0	148	0	1000	CLIFFS IN 1979 GALL.
16	CLIFFS, TN	16,280	16.0	-	1	1000	CLIFFS IN 1979 GALL.
17	CLIFFS, TN	16,280	16.0	12	0	1000	CLIFFS IN 1979 GALL.
18	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
19	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
20	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
21	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
22	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
23	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
24	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
25	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
26	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
27	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
28	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
29	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
30	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
31	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
32	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
33	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
34	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
35	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
36	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
37	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
38	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
39	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
40	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
41	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
42	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
43	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.
44	CLIFFS, TN	16,280	1.0	0	0	1000	CLIFFS IN 1979 GALL.</

to a better understanding of each others problems and needs. It is as an attempt to inform the poison centers on how to prepare for the exotic snake bite, that this paper is dedicated.

## THE EPIDEMIOLOGICAL PROBLEM

## Survey of AAPCC Regional Poison Centers

A questionnaire was sent in 1981 to the 25 AAPCC approved regional poison centers. These 25 centers represented 25/271 (9.1%) of all centers responding to the 1980 National Survey conducted by the National Clearinghouse for Poison Control Centers (AAPCC), and the same 25 centers reported a total of 646,036 (40.0%) of the 1,317,705 calls reported taken in 1979 by all responding centers. Each center was asked in the "Exotic Snakebite Questionnaire" to search their records for the five year period 1976-1980 and to indicate how many confirmed venomous snakebite related incidents they handled. Of these total incidents they were asked how many were from domestic and how many were from exotic snake species. For each exotic species, the poison center was asked to give background on the bite victim and whether the person was a professional or amateur herpetologist, herpetological supplier, or innocent bystander. Each exotic snake was to be identified by scientific name where possible. Additional information was sought on the medical treatment the victim received and the outcome of the incident. Each poison center was also asked to list any exotic snake species they were aware of in private collections within the geography covered by their poison center.

Of the 25 questionnaires sent out, 24 (96.0%) were returned. However, only 18 (72.0%) of the 25 centers were able to supply data for the full time period or a portion of it. The two major reasons the most centers were unable to provide the requested data were that either they did not break down envenomation calls to that degree, or they lacked sufficient

funds and manpower to abstract the requested data from their records. The results of this survey are given in Tables 1 and 2.

Table 1 ranks the poison centers by total calls taken in 1979 as they indicated in the NCPCC National Survey (Column B), and also for perspective is given the 1959 "bite rate" (the recorded treated snake bites per million people per year) taken from the 1959 national epidemiological survey by HM Parrish, MD, for the state in which the regional poison center is located (Column C). As can be seen, there were a total of 774 cases of authenticated snake envenomations which included 7 (0.9%) cases by exotic species (Column E). The percentage of the five year reporting period of which the poison centers' data represents is found in Column F.

Table 2 provides a breakdown of the seven cases of exotic snake bites encountered as to species, victim's herpetological background, cause of the incident, treatment received, and case outcome. It is interesting to note that 5 (71.4%) of the cases involved amateur collectors and that in 4 (57.0%) of the cases, the victim was either inebriated or in a self-destructive frame of mind when the incident occurred. In only one (14.3%) of the cases was there a fatality. The most common snakes listed in 5 (71.4%) of the cases were various subspecies of the "Cobra", Naja naja. Only 4 (17.4%) of the responding poison centers were able to list any exotic venomous snakes in their area in private collections. Among the species identified to be in private hands were: Naja naja (Cobras), Boiga dendrophila (Philippine Mangrove Snake), Bitis gabonica (Gaboon Viper), Bitis arietans (African Puffadder), Bungarus sp (Kraits), Dendroaspis angusticeps (Green Mamba), Vipera berus (European Viper), and Vipera aspis (European Asp).

It appears that although exotic venomous snakes do exist in communities served by poison centers, there are very few bite incidents that are captured by the poison center information system. Either the amateur collectors are very careful in their handling of their collections, or the bite is not reported when it occurs. Another possibility might be that the poison center was bypassed in the seeking of information of toxicity and treatment.

## Survey of National Snakebite Consultants

In order to determine if additional exotic snake bites had occurred in the United

Table 2. Reported Cases of Exotic Snakebites, 1976-1980

CASE NUMBER	LOCATION	EXOTIC SPECIES	DATE	OTHERS
1	LAKE CHARLES, LA	SEA SNAKE (Gambusia)	APRIL 1980 COLLECTION	NO OTHERS REPORTED. NO OTHERS OF IMPORTANCE.
2	LAKE CHARLES, LA	4 SPECIES OF SNAKES (Gambusia, Python, Python, Python)	APRIL 1980 COLLECTION	NO OTHERS REPORTED. NO OTHERS OF IMPORTANCE.
3	LAKE CHARLES, LA	SEA SNAKE (Gambusia)	APRIL 1980 COLLECTION	NO OTHERS REPORTED. NO OTHERS OF IMPORTANCE.
4	LAKE CHARLES, LA	SEA SNAKE (Gambusia)	APRIL 1980 COLLECTION	NO OTHERS REPORTED. NO OTHERS OF IMPORTANCE.
5	LAKE CHARLES, LA	SEA SNAKE (Gambusia)	APRIL 1980 COLLECTION	NO OTHERS REPORTED. NO OTHERS OF IMPORTANCE.
6	LAKE CHARLES, LA	SEA SNAKE (Gambusia)	APRIL 1980 COLLECTION	NO OTHERS REPORTED. NO OTHERS OF IMPORTANCE.
7	LAKE CHARLES, LA	SEA SNAKE (Gambusia)	APRIL 1980 COLLECTION	NO OTHERS REPORTED. NO OTHERS OF IMPORTANCE.



States during the same five-year period, a questionnaire was sent to several nationally recognized medical consultants which were listed in the POISINDEX microfiche system. Of the eight consultants surveyed, 5 (62.5%) supplied data on their consultations regarding exotic snake bites during 1976-1980. Those consultants responding were: Sherman A Minton, MD, Indianapolis, IN; David L Hardy, MD, Tucson, AZ; Findlay E Russell, MD, Tucson, AZ; Jack Wainschel, MD, Arcadia, CA; and Willis A Wingert, MD, Los Angeles, CA.

The results of this survey are listed in Table 3. In this data it can be seen that three of the consultants broke down their consultations, the others providing more generalized discussions. Of the data supplied, there were a total of at least 168 consultations, of which 17 (10.1%) involved exotic species of snakes. Of the 17 cases at least 6 (35.5%) were involving amateur collectors. Many of these cases, of course, might include duplicated information with the data from the poison center survey, or as consultants confer with each other, but it does present a picture of the type of incidents that are recorded. Many of the snake species involved were not recorded by any of the poison centers which would seem to indicate a direct call to the consultant bypassing the poison center's information system.

#### Literature Review

In order to determine if any previous work had been done on the subject of envenomation by exotic snake species, a review of the international literature was conducted. Some of the prior experiences that were revealed were as follows: HM Parish, MD, stated that of approximately 6,680 people bitten annually in the United States, the estimate was that 8 (0.1%) were due to foreign venomous snakes. Also during the period 1950-1959, there were 138 snake bite fatalities, 3 (2.2%) of which were due to foreign venomous species. His estimate was that about 8 people are bitten by foreign

venomous snakes in the United States annually (1). FE Russell, MD, stated that by the year 1975, in 650 cases of snake bites he attended to, 85 (12.9%) were due to exotic species. Also during the period 1955-1977, the Los Angeles County - University of Southern California Medical Center had logged a total of 373 telephone calls and 121 letters relating to bites by exotic snakes. Dr Russell also noted that a mail survey of ten Southern California snake collectors, handlers, or herpetologists, indicated that they kept 667 exotic venomous snakes, and the respondents suggested there may be as many as 2,000 exotic snakes in the area (2). HA Reid, MD, studied the problem of foreign venomous snakes in Great Britain and found that from 1970-1977, there were 32 bites by foreign venomous snakes. Three bites were to zoo personnel, 5 bites were to workers in research facilities utilizing venomous snakes, and 24 (75.0%) were to private individuals in their homes. A questionnaire survey of 500 members of herpetological societies showed that of the 310 (62.0%) respondents, 26 (8.4%) said they kept foreign venomous snakes including representatives of 50 different species. The more common species were: Crotalus atrox (Western Diamondback Rattlesnake), Bitis arietans (Puff Adder), Bitis gabonica (Gaboon Viper), and Naja naja (Cobras) (3). Of course many of the species foreign to Great Britain are native to the United States, but many of the exotics are the same in the collections for in each country.

#### Survey of Herpetological Societies

To determine the extent of exotic venomous species in possession by amateur herpetologists, a letter survey was carried out involving several large amateur herpetological groups around the United States, as to what "HOT" (venomous) exotic species their memberships might possess. There was no response to the letters; the societies and their memberships remained disturbingly silent.

#### Survey of National Antivenin Resource Center

To determine if any calls for exotic antivenins had bypassed both the poison centers and the medical consultants, a letter was written to the Oklahoma Poison Control Center, producers of the "Antivenin Index." In this letter the staff was asked to abstract their data for the period 1976-1980, for the number of times and for what species they were asked to assist in locating exotic antivenin stocks in the United States. Their response was that they only showed one instance in 1979 Naja naja kaouthia, Monocellate Cobra, and three instances in 1980 (Bitis arietans, Puff Adder; Dendroaspis polylepis, Black Mamba; and Bungarus sp, Krait). For the prior years, there were no records still on file. These results seem to indicate that although exotic antivenins were used often in cases of exotic snake envenomations as indicated by the medical consultant, and poison center

Table 3. Survey of Snakebite Medical Consultants

NAME	ADDRESS	PHONE	CONSULTATIONS	EXOTIC SPECIES
(1) Sherman A Minton, MD	Indianapolis, IN		168	17
(2) David L Hardy, MD	Tucson, AZ		168	17
(3) Findlay E Russell, MD	Tucson, AZ		168	17
(4) Jack Wainschel, MD	Arcadia, CA		168	17
(5) Willis A Wingert, MD	Los Angeles, CA		168	17
(6) [Name illegible]	[Address illegible]		168	17
(7) [Name illegible]	[Address illegible]		168	17
(8) [Name illegible]	[Address illegible]		168	17
(9) [Name illegible]	[Address illegible]		168	17
(10) [Name illegible]	[Address illegible]		168	17
(11) [Name illegible]	[Address illegible]		168	17
(12) [Name illegible]	[Address illegible]		168	17
(13) [Name illegible]	[Address illegible]		168	17
(14) [Name illegible]	[Address illegible]		168	17
(15) [Name illegible]	[Address illegible]		168	17
(16) [Name illegible]	[Address illegible]		168	17
(17) [Name illegible]	[Address illegible]		168	17
(18) [Name illegible]	[Address illegible]		168	17
(19) [Name illegible]	[Address illegible]		168	17
(20) [Name illegible]	[Address illegible]		168	17
(21) [Name illegible]	[Address illegible]		168	17
(22) [Name illegible]	[Address illegible]		168	17
(23) [Name illegible]	[Address illegible]		168	17
(24) [Name illegible]	[Address illegible]		168	17
(25) [Name illegible]	[Address illegible]		168	17
(26) [Name illegible]	[Address illegible]		168	17
(27) [Name illegible]	[Address illegible]		168	17
(28) [Name illegible]	[Address illegible]		168	17
(29) [Name illegible]	[Address illegible]		168	17
(30) [Name illegible]	[Address illegible]		168	17
(31) [Name illegible]	[Address illegible]		168	17
(32) [Name illegible]	[Address illegible]		168	17
(33) [Name illegible]	[Address illegible]		168	17
(34) [Name illegible]	[Address illegible]		168	17
(35) [Name illegible]	[Address illegible]		168	17
(36) [Name illegible]	[Address illegible]		168	17
(37) [Name illegible]	[Address illegible]		168	17
(38) [Name illegible]	[Address illegible]		168	17
(39) [Name illegible]	[Address illegible]		168	17
(40) [Name illegible]	[Address illegible]		168	17
(41) [Name illegible]	[Address illegible]		168	17
(42) [Name illegible]	[Address illegible]		168	17
(43) [Name illegible]	[Address illegible]		168	17
(44) [Name illegible]	[Address illegible]		168	17
(45) [Name illegible]	[Address illegible]		168	17
(46) [Name illegible]	[Address illegible]		168	17
(47) [Name illegible]	[Address illegible]		168	17
(48) [Name illegible]	[Address illegible]		168	17
(49) [Name illegible]	[Address illegible]		168	17
(50) [Name illegible]	[Address illegible]		168	17

questionnaire responses, this valuable resource center for poison centers and medical personnel was not utilized in the location of antivenin as much as one would have expected.

#### THE EDUCATION PROBLEM AND POSSIBLE SOLUTIONS

From information gathered by the author in conversations with candid but wary amateur herpetologists, it seems as though the medical professionals and the exotic snake keepers are caught in a circular information gap problem. On the one hand, the amateur collector would often rather ride out his exotic snake bite encounter at home because he believes that his local emergency room personnel knows little about how to treat the domestic envenomation let alone exotic ones. In addition, the amateur collector knows that access to exotic antivenins which would be needed for proper treatment is limited. Lastly, the victim is probably afraid of being reported to some enforcement agency which might result in the confiscation of his prized herpetological specimens. The emergency room personnel, on the other hand, are totally unaware of the "underground zoo" in their area and the types of species they might be involved in treating. How does the medical personnel learn more about the locally kept exotic species, and in turn, how does the amateur collector begin to gain more confidence in the medical community's ability to handle his problem? The poison center can serve as a bridge to aid in closing the information gap between the two groups by providing specialized education programs for the two diverse groups. Some of the programs and education tools which have been prepared by the Western Michigan Poison Center (WMPC) include: a slide talk directed to medical personnel in emergency treatment facilities on the current management of snake bite envenomations; a slide talk directed to amateur herpetological groups on the natural history and behavior of venomous snake species, including prevention tips on avoiding bites from all specimens domestic and exotic and a discussion of the readiness of the poison center to handle their problems; the development of poison center protocols for handling the bite of the exotic snake species by rapidly obtaining aid from medical consultants and the location of exotic antivenins with arrangement for their transportation to the treating facility if needed (see Appendix A); and the development of protocols working with the local zoo herpetology section on the initial first aid for snake bite and tips on prevention within the facility, as modified from work by Rappolt et al (4) (See Appendices B,C,D and E).

#### APPENDIX A: WMPC EXOTIC-SNAKEBITE PROTOCOL

1. Call received from hospital, zoo or amateur collector that snake bite has occurred.
2. Gather standard WMPC information:
  - A. On the patient (in addition to regular information) obtain: patient's allergy history; prior history of snake bites, and species involved

in prior bites; present health status of patient and prior medical status.

- B. On the snake involved, obtain: species identification; age and size of snake; circumstances of the bite (How did it happen?).
3. Contact John T. immediately, and brief him of the situation.  
(616) (Pager) (616) 676-9945 (Home)
  4. For initial treatment follow protocols listed in PoisindexC, and guidelines in the "biotoxin hand-outs" by John T.
  5. Medical Consultants:  
Walter D Meester, MD, Grand Rapids, MI, (616) (Pager), (616) (Home).  
Sherman A Minton, MD, Indianapolis, IN, (317) 264-7842 (Office), (317) 849-2596 (Home).  
Findlay E Russell, MD, Tucson, AZ, (602) 626-4558 (Office), (602) 626-6016 (Via Arizona Poison Center).
  6. If exotic antivenin is needed, contact the antivenin index center for availability and location of appropriate antivenin: Oklahoma Poison Information Center, (405) 271-5454; Oklahoma City Zoo (405) 424-3344.
  7. Brief treatment facility and inform them that WMPC has located antivenin and will arrange for quickest transport, if treating physician deems it needed.
  8. If antivenin is needed: arrange for the quickest air and/or ground transportation from the nearest storage depot to treating facility (ie, Law enforcement agencies, military, commercial, or private carriers).

#### APPENDIX B: ZOO PROTOCOL-IMMEDIATE FIRST AID FOR POISONOUS SNAKEBITE

The snakebite victim should sound alarm; attempt to remain calm; secure and identify the snake (if this can be done quickly and without any further personal risk); remove any rings, bracelets, or other jewelry; sit or lie down as soon as possible.

The person assisting the snakebite victim should: check to see snake has been secured and identified properly; reassure the victim; immobilize the involved extremity or area; watch for any untoward reactions (ie, absence of breathing - needing CPR); see that appropriate transportation is arranged for and agencies notified: call for transportation to emergency treatment facility, call 9-911 and ask for advanced life support (ALS) transportation, ask 911 dispatcher to patch to Western Michigan Poison Center, and notify them of the incident, and details (identification of victim and health history, pull victim's personnel card; present physical condition of the victim; identification of snake by species and the details of the bite, pull id card from snake's cage; name of the emergency facility to which victim is being transported); obtain appropriate antivenin from zoo supply; do not delay in transporting the victim (with supply of appropriate antivenin) to emergency treatment facility.

#### APPENDIX C: ZOO PROCEDURES FOR VENOMOUS REPTILES

1. Have the appropriate antivenin on hand in the refrigerator.
2. Arrange a transportation system in the event of a bite incident (E-Unit).
3. Make sure the reptile holding facility is safeguarded against vandalism and animal escape. In the case of an emergency have a policy developed for the evacuation of the building.
4. Have all entrances from the rear areas to the public areas "snake-proof".

5. No venomous reptiles are to be directly handled by anyone except designated personnel, and only during working hours when at least two qualified reptile keepers are in the building.
6. Have available a bell alarm signal system to notify others that a handler has been bitten.
7. Cages containing reptiles considered extremely dangerous are not to be opened unless reptiles are in shift cages, except by designated personnel.
8. All venomous animal cages and containers are to have cards on them with the following data which is kept up-to-date at all times: reptile identification (common and scientific names); number of specimens in container (spelled out); what antivenin to use.
9. All venomous reptile cages and containers are marked with "venomous" tags. These tags are to be removed from vacant cages. All other cages are to be marked with "harmless" tags when in use. Vacant cages, therefore, will have no tags, but will be latched at all times.
10. Designated personnel will check the antivenin supply for anticipated needed replacements as part of the semi-annual maintenance checklist. Needed replacements will be ordered at that time.
11. Conduct a semi-annual "dry run" through the emergency snakebite procedure.
12. Except for authorized personnel, no one is permitted in the service areas unless accompanied by designated zoo personnel.
13. No venomous reptile is to be removed from the premises, without proper authorization of designated zoo personnel.
14. Do not handle venomous reptiles if feeling unwell in any way.
15. Always expect the unexpected (untypical behavior). There is no such thing as a typical individual for any species.

#### APPENDIX D: ZOO PROTOCOL-VENOMOUS REPTILE CHECKLIST

Monthly check list-litter and blanket: check for availability; antivenins: check inventory against stock; antivenin index: check location in reptile building; snakebite procedures: check locations; animal enclosure ID cards: check against ID and quantity of animals.

Semi-annual check list-poison control center test check: call for antivenin and current information regarding treatment of test case; personnel medical information records: check for currentness of information.

Annual check list-review all procedures for modifications and updating.

#### APPENDIX E: ZOO SNAKE-HANDLER INFORMATION

1. Name
2. Home Address
3. Home Telephone
4. Nearest relative
5. Birth date
6. Medical History
  - Chronic medical problems
  - Chronic medications
  - Allergies
  - Medications
  - Horse serum
  - Other
7. Prior history of snakebites:
  - Species involved
  - Date occurred

8. Personal physician
  - Name
  - Telephone Number

Others ways to aid in education is for orientation of poison center staffs on exotic snakes by having them read from recommended texts. The following basic library can be constructed by a poison center for approximately \$83.00: Minton, Sherman A, Venom Diseases, Charles C Thomas Pub, Springfield IL, 1974, \$11.75; Parrish, Henry M, Poisonous Snakebites in the United States, Vantage Press, New York, NY, 1980, \$15.00; Poisonous Snakes of the World, US Government Printing Office, Washington, DC, 1965, \$6.25; Russell, Findaly E, Snake Venom Poisoning, J B Lippincott Comp, Philadelphia, PA, 1980, \$35.00; and Visser, John and Chapman, David S, Snakes and Snake bite - Venomous Snakes and Management of Snakebite in Southern Africa, Purnell and Sons, Ltd, Cape Town, South Africa, 1978, \$15.00. The above mentioned texts will give an operational poison center a good working knowledge of both domestic and exotic species and the managements of their envenomations. It will prove most useful when the time arises. It is also helpful to make contact with the Oklahoma Poison Control Center, Oklahoma Children's Memorial Hospital, PO Box 26307, Oklahoma City, OK 73126 (405/271-5454), producers of the "Antivenin Index" and obtain a copy for the poison center to aid in more speedy location of exotic antivenins within the United States. Also make contact with local herpetological groups and local zoos to determine their needs and to offer the assistance of the poison center's information facilities. Through the utilization of some of these techniques and the development of new ones, the emergency treatment facility personnel and amateur herpetologist will feel they are not so isolated and alone in dealing with snake envenomations, as there is a facility which is prepared and ready to assist them.

#### CONCLUSION

It is evident that even though the problem of a bite by an exotic venomous snake in the United States is a rare one, the existence of these species by amateur herpetologists in secluded "underground zoo" collections cannot be denied. This problem will not go away as there are no apparent federal laws regulating the possession of these snakes and a quite active but secretive marketing and exchange mechanism exists in the collector communities. In order to better prepare for the exotic snake envenomation, poison centers and others involved in clinical toxicology should prepare themselves for this isolated incident so that the bite victim will receive fast and effective management of his clinical problem, where time is of the utmost importance.

#### ACKNOWLEDGEMENTS

The author would like to thank all those

individuals (poison center personnel, medical consultants, and herpetological organizations) for their time and efforts in abstracting and sharing their data and ideas, making this paper a reality.

#### REFERENCES

Parrish, Henry M, et al: Bites by Foreign Venomous Snakes in the United States, Am J Med Sci 251:150-155, 1966.

2. Russell, Findaly E: Exotic Species in the United States, Snake Venom Poisoning, J B Lippincott, 345-349, 1980.
  3. Reid, H A: Bites by Foreign Venomous Snakes in Britian, Brit Med J 1:1598-1600, 1978.
  4. Rappolt, Richard T, et al: Medical Toxicologist's Notebook: Snakebite Treatment and International Antivenin Index, Clinical Toxicology 13:409-438, 1978.
-

## **REPTILE AND AMPHIBIAN REFERENCES**

American Association of Zoo Keepers, Portland Chapter

The publications listed below can be obtained from most large public libraries. Many books can be ordered from bookstores, book dealers, or the publisher. Many of the references below fit into more than one category. \*If you are just starting to acquire references on captive husbandry, the de Vosjoli and Mattison books are excellent and economical resources.

### **Reptile Care in Captivity**

Fryc, Fredric L. 1991. A PRACTICAL GUIDE FOR FEEDING CAPTIVE REPTILES. Krieger Publishing Company, Melbourne, Florida.

Fryc, Fredric L. and Wendy Townsend. 1993. IGUANAS: A GUIDE TO THEIR BIOLOGY AND CAPTIVE CARE. Krieger Publishing Company, Melbourne, Florida. (Husbandry information and personal experiences with iguanas.)

Kauffeld, Carl. 1969. SNAKES: THE KEEPER AND THE KEPT. Doubleday & Company, Inc., Garden City, New York.

\*Mattison, Christopher. 1987. THE CARE OF REPTILES AND AMPHIBIANS IN CAPTIVITY. Revised 2nd edition. Blandford Press, Dorset, Great Britain; distributed in U.S. by Sterling Publishing Co., Inc. New York.

Trunau, Ludwig. 1986. NONVENOMOUS SNAKES. Barron's, New York. (Both husbandry and natural history.)

Obst, Fritz Jurgen, Dr. Klaus Richter and Dr. Udo Jacob. 1988. THE COMPLETELY ILLUSTRATED ATLAS OF REPTILES AND AMPHIBIANS FOR THE TERRARIUM. T.F.H. Publications, Inc., Neptune City, New Jersey. (Expensive; might be in some libraries.)

Stafford, Peter. 1986. PYTHONS AND BOAS. T.F.H. Publications, Inc., Neptune City, New Jersey.

\*Vosjoli, Philippe de. 1990. THE HERPETOCULTURAL LIBRARY. Advanced Vivarium Systems, Lakeside, California. (Series of small books on specific species, such as iguanas, turtles, lizards, frogs, anoles, water dragon, pythons, etc. New books being published. Good information and affordable.)

Wynne, Richard H. 1981. LIZARDS IN CAPTIVITY. T.F.H. Publications, Inc., Neptune City, New Jersey.

### **Field Guide and Identification**

Behler, John L. and King, F. Wayne. 1979. AUDUBON SOCIETY FIELD GUIDE TO NORTH AMERICAN REPTILES AND AMPHIBIANS. Alfred A. Knoph, Inc.

Ernst, Carl H. and Roger W. Barbour. 1989. TURTLES OF THE WORLD. Smithsonian Institution Press, Washington, D.C. (Comprehensive work on turtles.)

Mattison, Chris. 1986. SNAKES OF THE WORLD. Facts on File, New York. (Mattison's books are good references; not too technical.)

Mattison, Chris. 1987. FROGS AND TOADS OF THE WORLD. Facts on File, New York.

Mattison, Chris. 1989. LIZARDS OF THE WORLD. Facts on File, New York.

25

Nussbaum, R.A., E.D. Brodie Jr. and R.M. Storm. 1983. AMPHIBIAN AND REPTILES OF THE PACIFIC NORTHWEST. University Press of Idaho, Moscow, Idaho.

Stebbins, R.C. 1986. A FIELD GUIDE TO WESTERN REPTILES AND AMPHIBIANS. Houghton Mifflin Co., Boston.

### Herpetology, Taxonomy, and Natural History

Auffenberg, Walter. 1988. GRAY'S MONITOR LIZARD. University Press of Florida, Gainesville. (Comprehensive study of a monitor lizard, with information on other monitors as well. Very technical.)

Burghardt, Gordon M. and A. Stanley Rand, eds. 1982. IGUANAS OF THE WORLD, THEIR BEHAVIOR, ECOLOGY AND CONSERVATION. Noyes, Park Ridge, New Jersey. (Broad based, technical.)

Duellman, William E. and Linda Trueb. 1986 BIOLOGY OF AMPHIBIANS. MacGraw-Hill, New York. (Comprehensive text on all aspects of amphibian biology. Includes extensive bibliography.)

Englemann, Wolf-Eberhard and Fritz J. Obst. 1982. SNAKES. BIOLOGY, BEHAVIOR AND RELATIONSHIP TO MAN. Exter Books, New York. (Good summary of snake biology with good pictures. Emphasizes interactions of snakes with man.)

Gibbons, J. Whitfield. 1990. LIFE HISTORY AND ECOLOGY OF THE SLIDER TURTLE. Smithsonian Institution Press, Washington, D.C. (Broad technical summary of the biology of the slider.)

Goin, C.J. and Goin, O.B. and Zug, G.R. 1978 (3rd edition). INTRODUCTION TO HERPETOLOGY. W.H. Freeman and Co., New York. (basic herpetology.)

Halliday, Dr. Tim and Dr. Kraig Adler, ed. 1986. THE ENCYCLOPEDIA OF REPTILES AND AMPHIBIANS. Facts on File, New York. (natural history; some conservation info)

Heatwole, Harold. 1987. REPTILE ECOLOGY. University of Queensland Press, St. Lucia. (Good introduction to ecology and physiology.)

Trutnau, Ludwig. 1986. NONVENOMOUS SNAKES. Barron's, New York.

### Conservation

Fitzgerald, Sarah. 1989. INTERNATIONAL WILDLIFE TRADE: WHOSE BUSINESS IS IT? World Wildlife Fund, Washington, D.C.

Groombridge, Brian. 1982. THE IUCN AMPHIBIA-REPTILIA RED DATA BOOK. Part 1. TESTUDINES - CROCODYLIA - RHYNOCERPHALIA. International Union for Conservation of Nature and Natural Resources, Gland, Switzerland.

IUCN/SSC Tortoise and Freshwater Turtle Specialist Group. 1989. TORTOISE AND FRESHWATER TURTLES - AN ACTION PLAN FOR THEIR CONSERVATION. IUCN, Gland, Switzerland. (Printed by Kelvyn Press, Inc., Broadview, Illinois.)

Medem, Federico. 1985. CROCODILE SKIN TRADE IN SOUTH AMERICA. World Wildlife Fund, Washington, D.C.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

An ordinance amending the Multnomah County Animal Control Code Chapter 8.10 to provide for certain new definitions, and regulations relating to Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search Warrants and State Court Enforcement.

(Language ~~lined through~~ is to be deleted; underlined language is new) Multnomah County ordains as follows:

Section I. AMENDMENT

MCC 8.10.010 is amended and added to as follows:

(A) *Animal* means any non-human vertebrate.

(B) *Animal at large* means any animal, excluding domestic cats ~~licensed and sterilized cats~~, that is not physically restrained on the owner's or keeper's premises, ~~(private property)~~ (including motorized vehicles) in a manner that physically prevents the animal from leaving ~~that property~~ the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person.

(C) *Aggressively bites* means any dog bite that breaks the skin and is accompanied by an attack where the dog exhibits ~~behavior including~~ one or more of the following behavior(s), but not limited to ~~any of the following~~: snarling, baring

Multnomah County Animal Control Code

1 teeth, chasing, growling, barking, snapping, pouncing, lunging, multiple lunges,  
2 or multiple bites.

3 (D) *Board* means the Multnomah County Board of County Commissioners.

4 (E) *Chronic safety nuisance* is demonstrated by the issuance of two (2) or more  
5 notice of infractions or citations for:

6 (1) Violation of MCC 8.10.270 relating to the same dog, or

7 (2) Any dangerous animal that is not confined as required by law, or

8 (3) Any other violation of this chapter based on animal behavior that causes a  
9 substantial risk to public safety.

10 (F) *Chronic noise nuisance* is demonstrated by the issuance of two (2) or more  
11 notice of infractions or citations for violation of MCC 8.10.190(b)(5)(6) and the  
12 receipt of multiple complaints from ~~more than one~~ (1) or more households, within  
13 a one (1) year period, in close proximity to the animal's location.

14 (1) Excluding all lawful commercial operation operated under appropriate  
15 zoning.

16 (G) *Dangerous or Exotic Animal means* any animal, including insects, which is of a  
17 wild or predatory nature, or which because of its size, vicious nature or other  
18 characteristics would constitute an unreasonable danger to human life or  
19 property, ~~if not kept, maintained or confined in a safe and secure manner. A dog~~  
20 ~~that has engaged in the behaviors specified in MCC 8.10.271.~~ A dangerous or  
21 exotic animal under this chapter shall include any of the following animals:

22 (1) Any large felid from the genus Panthera, including: lion, P. leo; tiger,  
23 P. tigris; jaguar, P. onca; leopard, P. pardus; and snow leopard, Uncia



Multnomah County Animal Control Code

- 1           uncia; as well as the puma (cougar or mountain lion), Puma concolor;  
2           clouded leopard, Neofelis nebulosa; and cheetah, Acinonyx jubatus.
- 3           (2) Any monkey, ape, gorilla, hybrid thereof, or other non-human primate;  
4           (3) Any wolf or canine except the species Canis Familiaris (domestic dog);  
5           (4) Any bear;  
6           (5) Any venomous or poisonous reptile;  
7           (6) Any reptile of the order Crocodilia (crocodiles, alligators and caimans),  
8           or any snake of the family Pythonidae or Boinae over ten (10) feet in  
9           length.
- 10       (H) Dangerous Dog means any dog found to have engaged in any of the  
11       behaviors specified in MCC 8.10.271.
- 12       (I)(H) Dangerous Dog Facility means any site for the keeping of one or more  
13       dangerous animals dogs.
- 14       (J) ~~(H)~~ Director means the director of the ~~department of environmental services~~  
15       animal control division of Multnomah County or the director's designee.
- 16       (K)   Domestic Animal. Any animal whose physiology has been determined or  
17       manipulated through selective breeding and does not occur naturally in the  
18       wild, or which may be vaccinated against rabies with an approved rabies  
19       vaccine and for which there is an established rabies quarantine observation  
20       period. Examples of domestic animals include dogs, cats and livestock.
- 21       (L)   ~~(J)~~ Euthanasia means putting an animal to death in a humane manner.
- 22       (M) ~~(K)~~ Facility is a site excluding veterinary hospitals operated or used for:

Multnomah County Animal Control Code

1 (1) Boarding, training or similar purposes of dogs, cats, or other animals  
2 commonly maintained as pets for varying periods of time.

3 (2) For The purpose of breeding, buying, selling, or bartering of dogs and/or cats,  
4 or other animals commonly maintained as pets.

5 ~~(3) (4) Facility operated by animal welfare/rescue organization. Breeding of~~  
6 ~~dogs and/or cats for the preservation of the breed.~~

7 (N) Harboring of a Dangerous or Exotic Animal means to knowingly allow the animal  
8 to remain, lodge, be fed, or to be given shelter or refuge within the person's  
9 home, store, yard, enclosure, vehicle or building, place of business, or any  
10 other premises in which the person resides or over which the person has  
11 control.

12 (O) ~~(L)~~ *Hearing officer* means a person appointed by the chair to hear appeals  
13 decisions of the director concerning violations of this chapter, ~~or license~~  
14 ~~denial or revocation under MCC 8.10.100 through 8.10.145~~ chapter.

15 (P) ~~(M)~~ *Immediate health hazard* exists if at any given location there are conditions  
16 related to animal care that the director determines warrant immediate  
17 intervention; such conditions include, but are not limited to inadequate  
18 sanitation, untreated disease, or animals in numbers greater than the animal's  
19 owner or keeper can reasonably care for.

20 (Q) ~~(N)~~ *Keeper* means any person or legal entity who harbors, cares for, exercises  
21 control over, or knowingly permits any animal to remain on premises occupied  
22 by that person for a period of time not less than 72 hours or someone who  
23 accepted the animal for the purpose of safe keeping.

1 ~~(O)~~ *Liability insurance* means ~~public liability insurance in a single incident amount of~~  
2 ~~not less than \$50,000.00 for bodily injury to or death of any person or persons~~  
3 ~~or a cash bond or irrevocable letter of credit in the amount up to \$2,500.00.~~  
4 ~~The owner or keeper shall be required to provide the director with certification~~  
5 ~~of insurance within ten days of receiving notification of classification. Such~~  
6 ~~policy shall provide that no cancellation of the policy will be made unless ten~~  
7 ~~days' written notice is given to the director by certified mail.~~

8 ~~(R)~~~~(P)~~ *Livestock* means animals, including but not limited to fowl, horses, mules,  
9 burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine and  
10 or other farm domestic animals, excluding dogs and cats.

11 ~~(S)~~~~(Q)~~ *Livestock facility* means any site for the keeping of livestock.

12 ~~(T)~~ ~~(R)~~ *Minimum care* has the meaning as provided in ORS 167.310(8) (1995).

13 ~~(U)~~ ~~(S)~~ *Muzzle* means a device constructed of strong, soft material or a metal  
14 muzzle that ~~complies with specifications to be adopted as administrative~~  
15 ~~rules by the director. The muzzle must be~~ is made in a manner that will not  
16 cause injury to the dog or interfere with its vision or respiration but must  
17 prevent it from biting any person or animal.

18 ~~(V)~~ ~~(T)~~ *Owner* means any person or legal entity having a possessory property  
19 right in the animal or any person who has been a keeper of an animal for  
20 more than 90 days.

21 ~~(W)~~ ~~(U)~~ *Permit*, for the purpose of MCC 8.10.190, shall include human conduct  
22 that is intentional, deliberate, careless, inadvertent, or negligent in  
23 relationship to an animal.

Multnomah County Animal Control Code

1 (X) ~~(V)~~ *Person* means any natural person, association, partnership, firm or  
2 corporation.

3 (Y) ~~(W)~~ *Pet license* is a record issued by Animal Control which identifies an  
4 animal of licensable age and the owner. ~~Means a license for any owned~~  
5 ~~animal that is of licensable age.~~

6 (Z) *Pet* means a domestic or other animal allowed under this Chapter to be kept  
7 as a companion;

8 (AA) ~~(X)~~ *Physical device or structure* means a tether, trolley system, other  
9 physical control device or structure made of material sufficiently strong to  
10 adequately and humanely confine the animal in a manner that would  
11 prevent it from escaping the premises.

12 (BB) ~~(Y)~~ *Physical injury* means physical impairment or as evidenced by scrapes,  
13 cuts, punctures, bruises or physical pain ~~or other evidence of physical~~  
14 ~~impairment.~~

15 (CC) ~~(Z)~~ *Potentially dangerous dog* means any dog that has been found to have  
16 engaged in any of the behaviors specified in MCC 8.10.270.

17 (DD) ~~(AA)~~ *Public nuisance animal* is an animal that has been determined by the  
18 director to be a chronic noise nuisance, or a chronic safety nuisance, or an  
19 animal that is subjected to an immediate health hazard.

20 (EE)~~(BB)~~ *A secure enclosure* shall be:

21 (1) A fully fenced pen, kennel or structure that shall remain locked with a padlock  
22 or combination lock. Such pen, kennel or structure must have secure sides,  
23 minimum of five feet high, and the director may require a secure top attached

1 to the sides, and a secure bottom or floor attached to the sides of the  
2 structure or the sides must be embedded in the ground no less than one foot.

3 The structure must be in compliance with the jurisdiction's building code.

4 (2) A house or garage. When dogs are kept inside a house or garage as a  
5 secure enclosure, the house or garage shall have latched doors kept in good  
6 repair to prevent the accidental escape of the dog. A house, garage, patio,  
7 porch or any part of the house or condition of the structure is not a secure  
8 enclosure if the structure would allow the dog to exit the structure ~~on~~ of its  
9 own volition; or

10 (3) For a Dangerous Dog, a fully fenced pen, kennel or structure at least six feet  
11 in height, installed beneath the ground level or in concrete or pavement, or a  
12 fabricated structure to prevent digging under it. Either enclosure shall be  
13 designed to prevent the entry of children or unauthorized persons and to  
14 prevent those persons from extending appendages inside the enclosure and  
15 be equipped with a self closing and self latching gate. A "Dangerous Dog"  
16 sign prescribed by the director must be posted at the entry to the owner's or  
17 keeper's premises.

18 (FF) ~~(GG)~~ *Serious physical injury* means any physical injury which creates a  
19 substantial risk of death or which causes significant disfigurement, significant  
20 ~~impairment of health or significant loss or impairment of the function of any body~~  
21 ~~part or bodily organ or protracted loss or impairment of health or of the function of~~  
22 any body part or organ.

Multnomah County Animal Control Code

1 (GG) ~~(DD)~~ *Service animal* is an animal that is professionally trained to provide  
2 assistance and whose primary function is to provide such service. Service  
3 animals include, but are not limited to, guide dogs, police dogs and rescue dogs.  
4 means any guide dog, signal dog or other animal individually trained to do work  
5 or perform tasks for the benefit of an individual with a disability, including, but not  
6 limited to, guiding individuals with impaired vision, alerting individuals with  
7 impaired hearing to intruders or sounds, providing minimal protection or rescue  
8 work, pulling a wheelchair, or fetching dropped items. Service animal shall also  
9 mean trained animals used by government agencies in police and rescue work.

10 (HH) ~~(EE)~~ *Sexually unproductive* means being incapable of reproduction and  
11 certified as such by a licensed veterinarian.

12 ~~(FF)~~ *Vicious animal* means any dangerous animal, excluding dogs or cats, which  
13 bites any human being or other domestic animal or which demonstrates  
14 menacing behavior towards human being or domestic animals. "Vicious animal"  
15 does not include an animal which bites, attacks or menaces a trespasser on the  
16 property of its owner or keeper or harms or menaces anyone who has tormented  
17 or abused it.

18 (II) Wolf-Hybrid means any animal which is either the result of cross breeding a  
19 purebred wolf and a dog or an existing wolf-hybrid with a dog.

20 [Ord. 156 § II (2) (1978); Ord. 379 §§ 1–3 (1983); Ord. 480 § 1 (1985); Ord. 517 § 2  
21 (1986); Ord. 591 § 1 (1988); Ord. 732 §§ 1–3 (1992); Ord. 850, § 1 (1996)]

22 Section II. AMENDMENT

23 MCC 8.10.020 is amended as follows:

Multnomah County Animal Control Code

1 The board of county commissioners recognizes that ORS Chapter 609  
2 constitutes state law for the regulation of dogs but may be superseded in home rule  
3 counties which provide for regulation by ordinance. The board finds that it is  
4 necessary to establish and implement a program for the licensing and regulation of  
5 dogs and other animals and facilities which house them; that animals require legal  
6 protection; that the property rights of owners or keepers and nonowners of animals  
7 should be protected and that the health, safety and welfare of the people residing in  
8 Multnomah County would best be served by adoption of such an ordinance.

9 Section III. AMENDMENT

10 MCC 8.10.035 is amended as follows:

11 (A) Whenever a county animal control officer or person designated by the director  
12 has reasonable grounds to believe that an animal or facility is in violation of this  
13 chapter, that officer or designee shall be authorized to issue the owner or  
14 keeper notice of civil infraction containing the following information:

15 (1) The name and address, if known, of the owner or person in violation of this  
16 chapter and description of the animal, if applicable; and

17 (2) The Code section allegedly violated plus a brief descriptive statement of the  
18 nature of the violation; and

19 (3) A statement of the amount due as a civil fine for the infraction and notice that  
20 the animal is to be impounded if impoundment is authorized hereunder.

21 (4) A statement explaining all fines are due within 30 days of service of the  
22 notice;

1 (5) A statement advising that if any civil fine is not timely paid, the failure to  
2 comply may lead to enhancement of the original fine or additional fines;

3 (6) A statement that the determination of violation is final unless appealed by  
4 filing a written notice of appeal including with a \$25.00 non-refundable fee  
5 with to the director of animal control division within 20 days of the date of the  
6 notice of infraction was served.

7 (7) A statement that an admission of infraction would be on record and could lead  
8 to the enhancement of fine on any subsequent infraction issued under this  
9 chapter as provided under MCC 8.10.900 (B).

10 [Ord. 732 § 4 (1992); Ord. 850, § 4 (1996)]

11 Section IV. AMENDMENT

12 MCC 8.10.036 is amended as follows:

13 The notice of infraction shall be served on the owner or keeper of the animal  
14 or facility in violation of this chapter by personal service or by regular and certified  
15 mail with return receipt requested.

16 [Ord. 732 § 5 (1992); Ord. 850, § 5 (1996)]

17 Section V. AMENDMENT

18 MCC 8.10.038 is amended as follows:

19 (A) Any party who is issued a notice of infraction for any offense listed under MCC  
20 8.10.900(A) may, in lieu of requesting a hearing, admit the infraction and submit  
21 the fine as stated on the notice of infraction to the animal control division. The  
22 party may attach a written explanation of mitigating circumstances with the  
23 payment of the fine.



1 (B) Any written explanations submitted under subsection (A) shall be reviewed by  
2 the hearings officer. The hearings officer shall have discretion to reduce the  
3 submitted fine and refund any portion not retained based on the written  
4 explanation.

5 (C) When a person issued a notice of infraction for violation of any of the following  
6 sections of this chapter: MCC 8.10.190(B)(2), (5) ~~(6)~~, (10) ~~(14)~~, (11) ~~(12)~~, or (12)  
7 ~~(13)~~; or MCC 8.10.191(A), the violation may be compromised as provided at  
8 MCC 8.10.038(D).

9 (D) If the person injured, damaged, or otherwise detrimentally impacted by the  
10 commission of the violation; acknowledges in writing any time before the final  
11 decision of the director, hearings officer, or a court of requisite jurisdiction, that  
12 the person has received satisfaction for the injury damage or detrimental impact,  
13 the director hearings officer or court may in their discretion, on payment of any  
14 cost or expense incurred, order the notice of infraction dismissed.

15 (1) The director, hearings officer, or court when issuing an order to dismiss under  
16 this section, may impose additional conditions or requirements upon the party  
17 issued the violation, if in their determination the additional requirements are  
18 necessary to further protect the public health or safety.

19 (2) Any condition or requirement imposed pursuant to MCC 8.10.038(D)(1) shall  
20 be complied with prior to the entry of the final order dismissing the notice of  
21 infraction(s).

Multnomah County Animal Control Code

1 (E) The order authorized by MCC 8.10.038(D) when made and entered by the  
2 director, hearings officer or court is a bar to another enforcement action for the  
3 same violation.

4 [Ord. 732 § 7 (1992); Ord. 850, § 6 (1996)]

5 Section VI. AMENDMENT

6 MCC 8.10.040 is amended as follows:

7 (A) The director shall operate, maintain or provide for an adequate facility to receive,  
8 care for and safely confine any animal delivered to the director's custody under  
9 provisions of this chapter, which facility shall be accessible to the public during  
10 reasonable hours for the conduct of necessary business concerning impounded  
11 animals.

12 (B) Any animal may be impounded and held at the facility when it is the subject of a  
13 violation of this chapter, when an animal requires protective custody and care  
14 because of mistreatment or neglect by its owner or keeper or when otherwise  
15 ordered impounded by a court, a hearings officer, or the director.

16 (C) An animal shall be considered impounded from the time the director or the  
17 director's designee takes physical custody of the animal.

18 (D) Impoundment is subject to the following holding period and notice requirements:

19 (1) An animal bearing identification of ownership shall be held for 144 hours from  
20 time of impoundment. The director shall make reasonable effort ~~within 24~~  
21 ~~hours of impoundment~~ by phone to give notice of the impoundment to owner  
22 or keeper and, if unsuccessful, shall mail written notice ~~within 48 hours of~~  
23 ~~impoundment~~ to the last known address of the owner or keeper advising of

1 the impoundment, the date by which redemption must be made and the fees  
2 payable prior to redemption release.

3 (2) An animal dog for which no identification of ownership is known or reasonably  
4 determinable shall be held for 72 hours from time of impoundment before any  
5 disposition may be made of the animal.

6 (3) Animals held for periods prescribed under this section, or as otherwise  
7 required by ORS 433.340 or 433.390, and not redeemed by the owner or  
8 keeper, shall be subject to such means of disposal as the director considers  
9 most humane.

10 (4) Animals delivered for impoundment by a peace officer who removed the  
11 animal from possession of a person in custody of the peace officer shall be  
12 held for the period prescribed in paragraph (1) of this subsection. A receipt  
13 shall be given the peace officer, who shall deliver the receipt to the person in  
14 custody from whom the animal was taken. The receipt shall recite  
15 redemption requirements and shall serve as the notice required by this  
16 section.

17 (E) (1) Any impounded animal shall be released to the owner or keeper or the  
18 owner's or keeper's authorized representative upon payment of impoundment,  
19 care, rabies, vaccination deposits, license fees, past due fines, and all fees and  
20 deposits related to potentially dangerous dog regulations with the addition of the  
21 following conditions:

22 (a) Any animal impounded by court, hearings officer's or director's order shall be  
23 released to the owner or keeper or the owner's or keeper's authorized

Multnomah County Animal Control Code

1 representative upon payment of all fees required in subsection (E) (1) of this  
2 section, and upon receipt of a written order of release from the court of  
3 competent jurisdiction or the hearings officer or the director issuing the order.

4 (b) Any classified potentially dangerous dog shall be released to the owner or  
5 keeper or the owner's or keeper's authorized representative upon payment of  
6 all fees required in subsection (E)(1) of this section, and upon verification of  
7 satisfactory compliance with the regulations required in MCC 8.10.270 to  
8 8.10.280. Failure to be in satisfactory compliance with the potentially  
9 dangerous dog regulations within ~~ten days of~~ twenty days after the date of  
10 impoundment shall result in the owner or keeper forfeiting all rights of  
11 ownership of the dog to the county.

12 (2) An animal held for the prescribed period and not redeemed by its owner or  
13 keeper, and which is neither a dangerous or exotic animal nor in a dangerous  
14 unhealthy condition ~~of health~~, may be released for adoption subject to the  
15 provision of MCC 8.10.045.

16 (3) The director shall dispose of animals held for the prescribed period without  
17 redemption or adoption only by humane means ~~of euthanasia, provided,~~  
18 ~~however, that, irrespective of any prescribed holding period, the director,~~  
19 ~~upon advice of a licensed veterinarian,~~

20 (4) At any time the director may euthanize any unlicensed and feral animal, or  
21 any unhealthy or injured animal by humane means without regard to the  
22 holding period specified in (D)(1)(2) above, provided the animal's injuries  
23 must be determined to be life threatening or if the animal is unhealthy the

1        animal's condition must be found to present a health threat to the other  
2        animals in the shelter.

3        (5) Any device attached to any animal upon impoundment shall be retained, 30  
4        days, by the director should the animal be disposed of as provided in  
5        paragraph (3) of this subsection. Otherwise, the device shall accompany the  
6        animal when redeemed or adopted.

7        [Ord. 156§ III (2) (1977); Ord. 276 § 2 (1981); Ord. 379 §§ 5, 6 (1983); Ord. 591 § 4  
8        (1988); Ord. 732 § 3 (1992); Ord. 580, § 7 (1996)]

9        Section VII. AMENDMENT

10        MCC 8.10.041 is added as follows:

11        (A) Whenever a person in possession of an animal, which has been used in the  
12        commission of a violation of this Chapter, and which is the subject of a lawful  
13        order of impound, refuses to voluntarily release said animal to an Animal Control  
14        Officer upon timely and reasonable request, the Director shall determine the  
15        need to procure the animal's immediate impoundment.

16        (B) A limited search warrant authorized under this section shall be sought by the  
17        Division after the Director has determined the animals immediate impoundment  
18        is necessary based on one or more of the following factors:

19        (1) The public's health and safety is at risk by the subject animal remaining in  
20        the possession of the owner.

21        (2) The health and welfare of the subject animal is at risk by the animal  
22        remaining in the possession of the owner or keeper.

1       (3) The Owner/Keeper has failed to comply with requirements specified in MCC

2       8.10.192.

3       (C) The Director shall request the assistance of the Sheriff to procure and execute  
4       the limited search warrant. The Sheriff shall prepare the application for the  
5       warrant including the affidavit in support thereof. The Sheriff shall obtain the  
6       warrant in compliance with the procedures and practices authorized under State  
7       law for the seizure of property pursuant to a search warrant. The Director and  
8       the Sheriff shall coordinate with the Office of County Counsel to review the  
9       affidavit for compliance with all the provisions herein stated.

10      Section VIII. AMENDMENT

11           MCC 8.10.045 is amended as follows:

12      (A) An animal may be released for adoption or transferred to another adoption  
13      agency, approved by the director, subject to the following conditions:

14           (1) The adoptive owner ~~er-keeper~~ shall agree in writing to furnish proper care to  
15           the animal in accordance with this chapter;

16           (2) Payment of required fees; however, animals transferred to another adoption  
17           agency are exempt from the requirement of paying adoption fees;

18           (3) In the case of a fertile dog or cat, the adoption agency must obtain prior to  
19           transfer from the adoption agency to the adoptive owner a surgical  
20           prepayment deposit in an amount not to exceed \$45.00 refundable upon  
21           furnishing evidence that the animal has been rendered sexually  
22           unreproductive; and written agreement by the adoptive owner ~~er-keeper~~ to  
23           render any adopted dog or cat sexually unreproductive within 30 days of

1       adoption or upon the animal attaining sexual maturity, whichever event last  
2       occurs, together with a fee not to exceed \$45 refundable upon furnishing  
3       evidence the animal has been rendered sexually unproductive. Failure to  
4       perform the agreement shall be a forfeiture of the amount deposited under  
5       this paragraph and the director may require return of the adopted dog or cat  
6       to the shelter. It is unlawful to fail to return an adopted animal as required by  
7       the director.

8       ~~(4) A written agreement by the adoptive owner or keeper to render any adopted~~  
9       ~~dog or cat sexually unproductive within 30 days of adoption or upon the~~  
10       ~~animal attaining sexual maturity, whichever event last occurs, together with a~~  
11       ~~fee not to exceed \$45 refundable upon furnishing evidence the animal has~~  
12       ~~been rendered sexually unproductive. Failure to perform the agreement shall~~  
13       ~~be a forfeiture of the amount deposited under paragraph (3) of this section~~  
14       ~~and the director may require return of the adopted dog or cat to the shelter. It~~  
15       ~~is unlawful to fail to return an adopted animal as required by the director.~~

16       (B) The director may decline to release an animal for adoption under any of the  
17       following circumstances including but not limited to:

- 18       (1) The prospective adoptive owner or keeper has a history of violations of the  
19       animal control ordinance or has been convicted of an animal-related crime.
- 20       (2) The prospective adoptive owner or keeper has inadequate or inappropriate  
21       facilities for confining the animal and for providing proper care to the animal  
22       as set out in MCC 8.10.190;

Multnomah County Animal Control Code

1 (3) The existence of other circumstances which in the opinion of the director  
2 would endanger the welfare of the animal or the health, safety and welfare of  
3 the people residing in Multnomah County. ~~In making a decision under this~~  
4 ~~subsection, the director shall consider the guidelines adopted by the~~  
5 ~~Multnomah County animal adoption panel.~~

6 (4) The animal is classified as a dangerous dog animal or a potentially dangerous  
7 dog.

8 (C) For purposes of this section "adoption agency" shall mean any government,  
9 association, corporation or similar entity approved by the director and capable of  
10 caring for animals pending final adoption placement.

11 [Ord. 275 § 4 (1981); Ord. 379 § 7 (1983); Ord. 732 § 3 (1992); Ord. 850, § 8 (1996)]

12 Section IX. AMENDMENT

13 MCC 8.10.054 is amended as follows:

14 **8.10.054. Appeals, fee.**

15 (A) Any party served a notice of infraction or director's decision or order under this  
16 chapter may appeal the infraction or director's decision by submitting a notice of  
17 appeal in writing along with ~~the \$25.00 hearing fee~~ to the aAnimal eControl  
18 dDivision within 30 days of the date the notice of infraction or director's decision  
19 or order was served on the party.

20 (B) Any party whose application for a facility license or dangerous animal facility  
21 license was denied, revoked or issued subject to conditions may appeal the  
22 license denial, revocation or conditional approval by submitting a notice of appeal  
23 in writing along with ~~the \$25.00 hearing fee~~ to the aAnimal eControl dDivision



1 within 20 days of the date the denial or conditional approval was mailed to the  
2 applicant by certified mail.

3 [Ord. 732 § 9 (1992); Ord. 850, § 10 (1996)]

4 Section X. AMENDMENT

5 MCC 8.10.055 is amended as follows:

6 (A) The board shall adopt procedural rules governing the conduct and scheduling of  
7 the appeal hearings under this chapter.

8 (B) Upon the receipt of a timely appeal, animal control division shall set the matter  
9 for hearing on the next available date scheduled for animal control hearings.

10 (C) Any party appealing a notice of infraction or license denial/revocation or director's  
11 decision or order under this chapter shall be given a written notice of the hearing  
12 date no less than ten days prior to the scheduled hearing.

13 (D) The hearings officer shall hold a public hearing on any timely appeal from a  
14 notice of infraction, director's decision or order, or the denial/revocation of a  
15 facility license. The party who brought the appeal or any other person having  
16 relevant evidence concerning the nature of the infraction or license  
17 denial/revocation shall be allowed to present testimony and documentary  
18 evidence at the hearing. The hearings officer may consider mitigating or  
19 extenuating circumstances presented on behalf of a party.

20 (E) If the hearing is held to address a notice of infraction or director's decision issued  
21 under MC 8.10.275 or 8.10.290, the hearings officer shall determine whether the  
22 infraction contained in the notice did occur. The hearings officer shall have the

1 same authority as the director under MCC 8.10.275 when conducting potentially  
2 dangerous dog hearings.

3 (F) If the hearing is held to address a facility license condition, denial or revocation,  
4 the hearings officer shall determine whether the license conditions were rightfully  
5 imposed or the license was rightfully denied or revoked as provided under MCC  
6 8.10.120.

7 (G) The hearings officer shall issue a written decision containing findings of fact  
8 addressing the allegations contained in the notice of infraction, the director's  
9 decision, or the license denial/revocation under MCC 8.10.100 through 8.10.145.  
10 The decision shall clearly state the hearings officer's conclusion and the  
11 reasoning based on the findings of fact. The decision shall be signed and dated  
12 by the hearings officer and shall be served by personal service or regular and  
13 certified mail to the last known address of the party who filed the appeal. The  
14 decision shall be final on the date of personal service or three (3) days after  
15 mailing.

16 (H) In all appeal under this chapter the hearings officer shall have discretion ordering  
17 conditions, restrictions and penalties.

18 (I) Failure of a party to file an appeal as provided in this section or unexcused failure  
19 of a party to appear at a duly scheduled hearing shall constitute a waiver by the  
20 party of any further appeal under this chapter. Upon the entry of a waiver in the  
21 record, the last decision issued by the animal control division shall become final.

22 [Ord. 732 § 10 (1992); Ord. 850, § 11 (1996)]

23

1 SECTION XI. AMENDMENT

2 MCC 8.10.060 is amended as follows:

3 **8.10.060. Dogs and cats subject to pet licensing.**

4 (A) The provisions of MCC 8.10.060 to 8.10.090, shall apply to dogs and cats not  
5 covered under a facility subject to licensure under MCC 8.10.100 to 8.10.140.

6 (B) Any animal declared by its owner or keeper to be a wolf-hybrid shall be  
7 considered a dog under this chapter and subject to all provisions relating to  
8 dogs under state law and this chapter with respect to the possession, ownership  
9 and licensing of the animal, including the requirement to vaccinate the animal  
10 against rabies.

11 (C) As a condition of the issuance of a license to a wolf-hybrid owner or keeper, and  
12 notwithstanding that person's obligation to vaccinate the animal against rabies  
13 under MCC 8.10.060(B), any such owner or keeper shall agree in writing to  
14 immediately release the animal for euthanization upon demand of the County  
15 Health Officer or the Director, if the animal has bitten a person or has been  
16 exposed to a rabid animal. This condition, consenting to release, shall be  
17 effective for the life of the wolf-hybrid or until such time as a rabies vaccine is  
18 approved and certified by the Oregon State Department of Agriculture for use in  
19 wolf-hybrids.

20 [Ord. 156 § IV(1) (1977); Ord. 480 § 2 (1985); Ord. 850 § 13 (1996)]

21 Section XII. AMENDMENT

22 MCC 8.10.070 is amended as follows:

Multnomah County Animal Control Code

1 (A) Dogs and cats shall be licensed within 30 days of obtaining the age of six  
2 months or within 30 days of obtaining residency in the county or within 30 days  
3 of acquisition by the owner or keeper, whichever occurs later.

4 (B) Licenses shall be valid for one, two or three years from date of issuance, at the  
5 option of the pet owner or keeper and, for dogs and cats, shall require a current  
6 rabies inoculation for licensing period selected and shall be issued upon payment  
7 of the fee required by MCC 8.10.220.

8 (C) Licenses issued under prior existing Multnomah County ordinances shall remain  
9 valid until expiration.

10 (D) The person who licenses an animal becomes the owner or keeper of record and  
11 is responsible for the action or behavior of his or her animal including those  
12 responsibilities of an owner as provided in MCC 8.10.190 (A).

13 [Ord. 156 § IV(2a) (1977); Ord. 480 § 3 (1985); Ord. 732 § 3 (1992); Ord. 850, § 14  
14 (1996)]

15 Section XIII. AMENDMENT

16 MCC 8.10.080 is amended as follows:

17 (A) Pet license tags shall be securely displayed upon animals at all times, except  
18 when the animal is confined to the owner's or keeper's premises or displayed in  
19 an exhibition. ~~Pet owners or keepers shall be allowed to choose the means by~~  
20 ~~which to display the pet license number (tag, collar, tattoo, microchip or another~~  
21 ~~form of identification with the pet license number on it.)~~ A pet license tag, with  
22 pet license number, shall be issued by the director. Any additional expenses is  
23 are to be borne by the pet owner or keeper.

1 (B) A pet license is not transferable to another animal. The pet license number shall  
2 be assigned to the animal and shall remain with the animal upon transfer to  
3 another owner or keeper for the life of the animal.

4 (C) An animal displaying a current license from jurisdictions outside Multnomah  
5 County, but within the State of Oregon, shall not require licensing under this  
6 chapter until expiration of the current license.

7 (D) Animal control may inspect the premises ~~with five or more~~ where animals are  
8 kept to insure that owners or keepers are providing minimum care and facilities.

9 [Ord. 156 § IV(2b) (1977); Ord. 195 § 11 (1979); Ord. 480 § 5 (1985); Ord. 732 § 3  
10 (1992); Ord. 850, § 15 (1996)]

11 Section XIX. AMENDMENT

12 MCC 8.10.090 is amended as follows:

13 (A) License Fees shall be waived for licenses issued for any dog used primarily as a  
14 service animal upon presentment the owner or keeper establishing the service  
15 animal's function as an assistance animal under the Americans With Disabilities  
16 Act, 42 USC § 12101 et seq. ~~of an ADA affidavit by the animal's owner or keeper.~~

17 ~~A service animal license shall be valid for the duration that the dog provides the~~  
18 ~~service or upon retirement due to age or infirmity and so long as the dog remains~~  
19 ~~the property of the person named in the affidavit.~~

20 (B) License fees for dogs and cats owned by persons aged 65 or older and persons  
21 deemed by the director to be under financial hardship ~~shall~~ may be reduced by  
22 up to 50 percent for up to two (2) animals per household.

Multnomah County Animal Control Code

1 (C) License fees shall be waived for any dog used as a service animal by any Local,  
2 State or Federal Government agency. This exemption shall expire when the dog  
3 is no longer used primarily as a service animal.

4 [Ord. 156 § IV(2c) (1977); Ord. 480 § 6 (1985); Ord. 684 § 3 (1991); Ord. 732 § 3  
5 (1992); Ord. 850, § 17 (1996)]

6 Section XV. AMENDMENT

7 MCC 8.10.100 is amended as follows:

8 ~~(A)~~ A facility license or dangerous animal dog facility license shall be granted in  
9 accordance with procedures, standards and limitations provided in MCC  
10 8.10.100 to 8.10.140, and no such facility may lawfully be operated except upon  
11 application and payment of prescribed fees for the license.

12 ~~(B) Issuance of the license shall require prior land use approval and shall be in~~  
13 ~~compliance with any land use restrictions or regulations which may apply to the~~  
14 ~~proposed facility operation.~~

15 ~~(C) The Oregon Humane Society, located at 1067 NE Columbia Boulevard in~~  
16 ~~Portland, Oregon, shall be exempt from the requirements of MCC 8.10.100 to~~  
17 ~~8.10.140.~~

18 [Ord. 156 § V(1) (1977); Ord. 480 § 7 (1985); Ord. 850, § 18 (1996)]

19 Section XVI. AMENDMENT

20 MCC 8.10.110 is amended as follows:

Multnomah County Animal Control Code

- 1 (A) Application for a facility license or dangerous animal dog facility license shall be  
2 made upon forms furnished by the director, shall include all information required  
3 therein and shall be accompanied by payment of the required fee.
- 4 (B) A facility license or dangerous animal dog facility license shall be valid for one  
5 year from the date of issuance, unless revoked.
- 6 (C) The director shall inspect any facility for which a license is sought and, upon  
7 determination that the facility and its operation complies with all applicable  
8 provisions of this chapter and other applicable local, state and federal laws, shall  
9 issue a license which may include one or more conditions of approval and/or  
10 operation.
- 11 (D) If the director fails to approve or deny a fully completed application within 60 days  
12 of its receipt and payment of fees, the application shall be considered approved  
13 for the current year, subject only to revocation as provided in MCC 8.10.120.
- 14 (E) A license shall be conspicuously displayed on the facility premises and a holder  
15 of a license shall keep available for inspection by the director a record of the  
16 name, address and telephone number of the owner or keeper of each animal  
17 kept at the facility, the date each animal was received, the purpose therefor, the  
18 name and address of the person from whom the animal was purchased or  
19 received, a description of each animal including species, age, breed, sex and  
20 color and the animal's veterinarian, if known, at the discretion of the director. For  
21 small animal such as fish, gerbils, hamsters or similar kinds of animals acquired

1     in lots, an individual record should not be required for each animal, but the  
2     holders shall keep an adequate invoice record of the lot acquisition.

3     [Ord. 156 § V(2) (1977); Ord. 480 § 8 (1985); Ord. 732 § 3 (1992); Ord. 850 § 19  
4     (1996)]

5     Section XVII. AMENDMENT

6             MCC 8.10.120 is amended as follows:

7     (A) A license required by MCC 8.10.100 to 8.10.140 may be denied or revoked for  
8         any of the following reasons:

9             (1) Failure to comply substantially with any provision of this chapter.

10            (2) Conviction of the owner or keeper or any person subject to the owner's or  
11            keeper's direction or control for the violation of any provision of this chapter or  
12            other applicable state or federal law, rule, order or regulation pertaining to any  
13            activity relating to animals.

14            (3) Furnishing false information on an application for a license under this chapter.

15     (B) The director shall refund 400 75 percent of any fee paid upon denial of a license,  
16         provided, however, no refund shall be made upon revocation.

17     (C) If the director denies an application for a license or approves subject to  
18         conditions, the determination is final unless the applicant appeals the denial or  
19         conditional approval.



1 (D) The director shall investigate any complaint concerning licensed facilities and,  
2 upon determination that a license should be revoked, shall serve written notice  
3 upon the licensee of that determination by certified mail. The director's  
4 determination shall become final unless appealed.

5 (E) Failure to file a request within 20 days shall terminate any appeal right, and the  
6 director's decision revoking the license shall not be reviewable otherwise.

7 [Ord. 156 § V(3) (1977); Ord. 732 §§ 3, 13 (1992); Ord. 850, § 20 (1996)]

8 Section XVIII. AMENDMENT

9 MCC 8.10.130 is amended as follows:

10 The director shall not issue facility license or dangerous animal dog facility license  
11 until a site inspection demonstrates compliance with the standards applicable to the  
12 nature and species of any animal to be kept as set forth in this section:

13 (A) Housing structures shall be sound and maintained in good repair to protect  
14 animals from injury, safely confine any animal housed therein and prevent entry  
15 of other animals.

16 (B) Reliable and adequate electrical service and a potable water supply shall serve  
17 the facility.

18 (C) Storage of food supplies and bedding materials shall be designed to prevent  
19 vermin infestation.

20 (D) Refrigeration shall be furnished for perishable foods.

21 (E) Safe and sanitary disposal facilities shall be available to eliminate animal and  
22 food wastes, bedding, dead animals and debris and to minimize vermin  
23 infestation, odors and disease hazards.

**Multnomah County Animal Control Code**

- 1 (F) Cleaning facilities shall be available to animal caretakers and handlers.
- 2 (G) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit  
3 for animals not acclimatized to lower temperatures.
- 4 (H) Adequate ventilation shall be maintained to assure animal comfort by such  
5 means as will provide sufficient fresh air and minimize drafts, odors and moisture  
6 condensation. Mechanical ventilation must be available when ambient  
7 temperatures exceed 85 degrees Fahrenheit, if appropriate.
- 8 (I) Interior areas shall have adequate natural or artificial lighting provided, however,  
9 that primary enclosures for animals shall be protected from excessive  
10 illumination.
- 11 (J) Interior building surfaces shall be so constructed and maintained to permit  
12 sanitizing and prevent moisture penetration.
- 13 (K) Drainage facilities shall be available to assure rapid elimination of excess water  
14 from indoor housing facilities. The design shall assure obstruction-free flow and  
15 traps to prevent sewage back-flow.
- 16 (L) Outdoor facilities shall provide protective shading and adequate shelter areas  
17 designed to minimize harmful exposure to weather conditions for those animals  
18 not acclimatized to the environment, if appropriate for the species.
- 19 (M) The primary enclosure shall be of sufficient size to permit each animal housed  
20 therein to stand freely, sit, turn about and lie in a comfortable normal position as  
21 appropriate for the species. An exercise area or means to provide each animal  
22 with exercise shall be provided on the premises.

Multnomah County Animal Control Code

1 (N)When restraining devices are used in connection with a primary enclosure  
2 intended to permit movement outside the enclosure, the devices shall be  
3 installed in a manner to prevent entanglement with devices of other animals or  
4 objects and shall be fitted to the animal by a harness or well-fitted collar, other  
5 than a choke type collar, and shall be of reasonable length.

6 (O)Animals shall be fed, as often as necessary, a diet of nutritionally adequate and  
7 uncontaminated foods.

8 (P)Potable water shall be continuously available, unless otherwise recommended by  
9 a veterinarian in a particular situation.

10 (Q)Cages, rooms, hard-surfaced pens, runs and food and watering receptacles shall  
11 be sanitized daily to prevent disease ~~not less than once every two weeks by~~  
12 ~~washing with hot water (180 degrees Fahrenheit) and soap or detergent, by~~  
13 ~~washing with a combination disinfectant and cleanser, by washing with a~~  
14 ~~detergent followed with a safe, effective disinfectant or by cleaning with steam.~~  
15 Prior to the introduction of housing animals in into empty enclosures previously  
16 occupied, the enclosures shall be sanitized. Animals shall be removed from the  
17 enclosure during the cleaning process and adequate care shall be taken to  
18 protect animals in other enclosures.

19 (R)Excrement shall be removed from primary enclosures a minimum of every 24  
20 hours, or more often if necessary as to prevent contamination, reduce disease  
21 hazards and minimize odors.

Multnomah County Animal Control Code

1 (S) Animals housed together in primary enclosures shall be maintained in compatible  
2 groups with the following restrictions, except in a residential dwelling or otherwise  
3 appropriate for the species:

4 (1) Females in season (estrus) shall not be placed with males except for  
5 breeding purposes;

6 (2) Animals exhibiting vicious behavior shall be housed separately;

7 (3) Animals six months or less of age shall not be housed with adult animals  
8 other than with their mothers, as appropriate for the species;

9 (4) Animals shall not be housed with other non-compatible species of animals;  
10 and

11 (5) Animals under quarantine or treatment for any communicable disease shall  
12 be separated from other animals.

13 (T) Programs of disease control and prevention shall be established and maintained.

14 (U) Each animal shall be seen at least once per 24-hour period by an animal  
15 caretaker.

16 (V) Owner or keeper shall comply with the provisions of MCC 8.10.190(B)(6)(7) and  
17 (B)(8)(9).

18 [Ord. 156 § V(4) (1977); Ord. 850, § 21 (1996)]

19 Section XIX. AMENDMENT

20 MCC 8.10.140 is amended as follows:

21 (A) Exotic, wild or dangerous animal regulation facility license.

22 It is unlawful to harbor and/or own an exotic or dangerous animal. Any facility for  
23 keeping of any dangerous animal, whether or not otherwise licensed under this

Multnomah County Animal Control Code

chapter, shall be licensed subject to MCC 8.10.100 and 8.10.110, and the following requirements:

Animals must at all times be housed in a manner which assures that animals will not create a public nuisance by reason of noise or emission of offensive odors, present a danger to human life or property, endanger the health of the animals or create a safety or health hazard to human beings. The facility must meet the standards as described in the Oregon Administrative Rules chapter 603, division 11, sections 700 through 725 as published in 1994 and as is from time to time amended or as required by the director.

An applicant for a license must demonstrate satisfactory proof to respond in damages for bodily injury or death of any person or for damage to any property which may result from the keeping, owning or control of the animal. The director may require posting of an adequate bond or proof of liability insurance to remain in effect during any license period.

(B) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with 8.10.140(A):

(1) Any facility accredited by the Association of Zoos and Aquariums (AZPA):

(2) Any licensed or accredited research or medical institution, including any such institution dedicated to the training of exotic primates for service animals;

(3) License or accredited educational institutions;

(4) Veterinary clinics in possession of exotic animals for treatment or rehabilitation purposes.

(5) Traveling circuses or carnivals;

1     (6) Persons temporarily transporting exotic animals through the county provided  
2         that the transit time shall not be more than three (3) days.

3     (7) Any person or facility licensed as an exhibitor or breeder by the United States  
4         Department of Agriculture (USDA) under the Animal Welfare Act.

5     (8) Persons owning or keeping a trained exotic primate as a service animal and  
6         who have submitted a sworn affidavit affirming the need for the service animal  
7         in their personal dwelling.

8     (C) ~~A license issued under this section shall be subject to revocation by the director~~  
9         ~~under MCC 8.10.120.~~ Any person, not otherwise exempted, in possession of an  
10        exotic animal and a current exotic animal facility license prior to and upon the  
11        date this ordinance takes effect shall be eligible to request an Exemption Permit  
12        from Compliance with MCC 8.10.190(B)(14) by submitting a written petition to  
13        the director. The petition must address each of the following elements:

14        (1) What, if any, financial hardship will be caused by the removal of the animal;

15        (2) Description of the animal including species, age, size, weight, coloring;

16        (3) History of Compliance With All Exotic and Dangerous Animal Facility  
17        Regulations under any applicable federal or state law.

18     (D) The director shall evaluate whether any petition submitted under subsection (E)  
19        herein merits the exotic animal to be maintained at the facility for the duration of  
20        the animal's life. Said determination shall be based on comparison of the risk to  
21        public health and safety by the specified animal remaining in the facility and  
22        petitioner's response to the three factors addressed in the petition.

1 (E) Any Exemption Permit issued under this section shall only be available to the  
2 original permit holder, and shall be non-assignable and nontransferable. An  
3 exemption permit shall be subject to annul renewal and routine periodic  
4 inspection of the facility. Inspection of the facility wherein the animal is kept  
5 shall be for the purposes of evaluating the adequacy of the facility to protect the  
6 public from the animal as well as for the care and treatment of the animal. The  
7 Exemption Permit shall:

8 (1) Terminate upon death of the animal;

9 (2) Terminate upon the death of the petitioner;

10 (3) Terminate upon the relocation of the petitioner or the animal to an address or  
11 site outside of the boundaries of Multnomah County.

12 (4) Shall be subject to revocation and the animal shall be subject to immediate  
13 impoundment upon any notice of infraction being issued to the permit holder;

14 (5) Provide that upon termination of the permit for any reason, and if the animal  
15 has not been otherwise disposed of at such time, that the permit holder, or his  
16 or her heirs or successors in interest shall either:

17 (a) Immediately release the animal to impound by the Animal Control Division,

18 or

19 (b) Immediately transfer the animal to lawfully exempted agency as provided  
20 in subsection (D) herein, that has agreed in writing to accept the animal,  
21 proof of which shall be provided to the Animal Control Division prior to the  
22 transfer.

Multnomah County Animal Control Code

- 1 (F) Any dangerous or exotic animal found in Multnomah County in violation of this  
2 section and not otherwise exempt under MCC 8.10.140(B) or (C) shall be  
3 subject to immediate impoundment by Animal Control and disposition through  
4 any lawful and humane means available to Animal Control.

5 [Ord. 156 § V(5) (1977); Ord. 850, § 22 (1996)]

6 Section XX. AMENDMENT

7 MCC 8.10.160 is amended as follows:

- 8 (A) Any person who finds and harbors an animal without knowing the animal owner's  
9 or keeper's identity shall notify the director and furnish a description of the animal  
10 within 5 days after the date of finding the animal.
- 11 (B) The finder may surrender the animal to the director or retain its possession,  
12 subject to surrender upon demand of the director.
- 13 (C) Records of reported findings shall be retained for six months by the director and  
14 made available for public inspection.
- 15 (D) If the finder chooses to retain possession of the animal, the finder shall, within 15  
16 days, cause to be published in a newspaper of general circulation in the county a  
17 notice of the finding once each week for two consecutive weeks. Each such  
18 notice shall state the description of the animal, the location where the animal was  
19 found, the name and address of the finder and the final date before which such  
20 animal may be claimed. If the finder does not wish to have his or her name and  
21 address appear in the notice, he or she may obtain a case number from  
22 Multnomah County Animal Control and have that number published in the  
23 newspaper along with the phone number for animal cntrol for contact.



- 1 (E) If no person appears and claims ownership of the animal prior to the expiration of  
2 90 180 days after the date of the notice to the director under subsection (A) of  
3 this section, the finder shall be declared the owner of the animal. Any person  
4 becoming owner of any animal under the provisions of this subsection shall  
5 assume the responsibilities of an owner under this chapter.
- 6 (F) If within ~~three months~~ 180 days of the finder's notice to the director the animal's  
7 owner does appear and establish ownership of the animal, the finder shall  
8 surrender possession of the animal to that owner, provided, however, that the  
9 owner first tender to the finder payment for all of the finder's reasonable actual  
10 costs incurred for giving of notice, providing urgent veterinary care and keeping  
11 of the animal.
- 12 (G) Any dispute as to ownership or right to possession of the animal, or as to the  
13 amount of the finder's costs, shall be submitted to the director in writing, who  
14 shall promptly decide the matter in writing within 30 days. Any party aggrieved  
15 by the director's decision may appeal the decision under MCC 8.10.054 through  
16 8.10.057.
- 17 (H) Notwithstanding any other provision in this section, any person who prior to  
18 December 31, 1995 found and harbored any dog or cat and who notified the  
19 director and furnished a description of the animal shall be the animal's owner if,  
20 prior to the expiration of ~~three months~~ 180 days after the director was notified, no  
21 person appeared and claimed ownership of the animal. Any person becoming  
22 owner of any animal under the provisions of this subsection shall assume the  
23 responsibilities of an owner under this chapter.

1 Section XXI. AMENDMENT

2 MCC 8.10.170 is amended to read as follows:

3 Any person in physical possession or control of any animal off the premises of  
4 the animal's owner or keeper shall immediately remove excrement or other solid  
5 waste deposited by the animal in any public area ~~or private property~~.

6 [Ord. 156 § VI(3) (1977); Ord. 850, § 26 (1996)]

7 Section XXII. AMENDMENT

8 MCC 8.10.190 is amended as follows:

9 (A) For the purposes of this section, unless otherwise limited, the owner is ultimately  
10 responsible for the behavior of his or her animal regardless of whether the owner  
11 or another member of the owner's household or a household visitor permitted the  
12 animal to engage in the behavior that is the subject of the violation.

13 (B) It is unlawful for any person to:

14 (1) Permit an animal to be an animal at large.

15 (2) Permit an animal to trespass upon property of another.

16 (3) ~~(4) Keep a vicious animal.~~ Fail to comply with requirements of this chapter  
17 which apply to the keeping of an animal, or dangerous animal or any facility  
18 where such animals are kept.

19 (4) ~~(5)~~ Permit a dog in season (estrus) to be accessible to a male dog not in the  
20 person's ownership except for intentional breeding purposes.

21 (5) ~~(6)~~ Permit any animal to unreasonably cause annoyance, alarm or noise  
22 disturbance to any person or neighborhood by at any time of the day or night,  
23 ~~by repeated barking, whining, screeching, howling, braying or other like~~

1 sounds which may be heard beyond the boundary of the owner's or keeper's  
2 property under conditions wherein the animal sounds are shown to have  
3 occurred either as repeated episodes of continuous noise lasting for a  
4 minimum period of ten minutes or repeated episodes of intermittent noise  
5 lasting for a minimum period of thirty minutes. It shall be an affirmative  
6 defense under this subsection that the animal was intentionally provoked by a  
7 party other than the owner to make such noise. Provided, 8.10.190(B)(5)  
8 shall not be applicable to any lawful livestock owner or keeper; kennel or  
9 similar facility, wherein the presence of livestock or the operation of a kennel  
10 or similar facility is authorized under the applicable land use and zoning laws  
11 and regulations.

12 (6) (7) Leave an animal unattended for more than 24 consecutive hours without  
13 minimum care.

14 (7) (8) Deprive an animal of proper facilities or care, including but not limited to  
15 the items prescribed in MCC 8.10.130. Proper shelter ~~shall~~ must ~~include a~~  
16 ~~structure that does not leak, will~~ provide protection from the weather and is  
17 maintained in a condition to protect the animals from injury.

18 (8) (9) Physically mistreat any animal either by abuse or neglect or failure to  
19 furnish minimum care.

20 (9) (10) Permit any animal to leave the confines of any officially prescribed  
21 quarantine area.

22 (10) (14) Permit any dog to engage in any of the behaviors described in MCC  
23 8.10.270(A) or (B).

1 (11)(42) Permit any dog to engage in any of the behaviors described in MCC  
2 8.10.270(C) through 8.10.270 (D).

3 (12)(43) Permit any dog to engage in the behavior described in MCC 8.10.271.

4 (13)To harbor a dangerous or exotic animal that is not otherwise exempted under  
5 MCC 8.10.140. Provided, any person who is keeping or owning a dangerous  
6 animal on the effective date of this Ordinance in their jurisdiction shall have  
7 60 days from that date to provide for the animal's disposition outside of the  
8 County.

9 (C)For the purpose of this section "owner" shall mean either owner or keeper as  
10 defined under this chapter.

11 (E) Notwithstanding, MCC 8.10.190(B)(10), (11) and (12), any dog that has been  
12 found to have engaged in behaviors as described at MCC 8.10.270 or 8.10.271,  
13 shall be classified, regardless of whether it is established by preponderance of  
14 the evidence that the dog owner, keeper or other person permitted the dog to  
15 engage in the behavior. If in any such case, it is not established by a  
16 preponderance of the evidence that the person cited permitted the dog to engage  
17 in the behavior, no fine shall be imposed against that person, but the dog owner  
18 or keeper shall be subject to all other restrictions and conditions lawfully imposed  
19 by the director or a hearings officer pursuant to MCC 8.10.280(B) and  
20 8.10.055(H) respectively and;

21 (1) In any case, wherein the citing officer or the director based upon his or her  
22 investigation and review of such case, determines there is insufficient  
23 evidence to establish the responsible party permitted the dog to engage in the

1 violative behavior, may in lieu of issuing a Notice of Infraction for violation of  
2 MCC 8.10.190(B)(10), (11) or (12) issue a Notice of Infraction citing this  
3 subsection and the specific subsection of MCC 8.10.270 or 8.10.271 directly  
4 applicable to the dog's alleged behavior.

5 (2) Any Notice of Infraction issued pursuant to 8.10.190(E)(1) shall not be subject  
6 to the imposition of a fine against the person cited, upon issuance or  
7 affirmation but that person shall be subject to all other restrictions and  
8 conditions lawfully imposed by the director or a hearings officer pursuant to  
9 MCC 8.10.280(B) and 8.10.055(H) respectively.

10 [Ord. 156 § VI(5) (1977); Ord. 517 § 4 (1986); Ord. 732 §§ 3, 14 (1992); Ord. 850, §  
11 28 (1996)]

12 Section XXIII. AMENDMENT

13 MCC 8.10.191 is amended as follows:

14 (A) The failure to comply with any conditions or restrictions lawfully imposed  
15 pursuant to a notice of infraction or director's decision not otherwise stayed  
16 under MCC 8.10.056 is a violation of this chapter. Failure to pay the civil fine  
17 shall be an infraction under this section. A notice of infraction issued under this  
18 section for failure to comply shall be of the same classification as the original  
19 infraction. The first notice of infraction issued under this section shall not be  
20 construed as a second offense under MCC 8.10.900(B).

21 (B) Except as provided in MCC 8.10.191(C), all enforcement actions under this  
22 section shall be brought before a hearings officer.

Multnomah County Animal Control Code

1 (C) Any enforcement action for a Class A infraction failure to comply wherein the  
2 circumstances of the failure to comply by the party in violation are determined by  
3 the director to:

4 (1) Be a substantial risk to public safety; or

5 (2) Be a substantial risk to the care and treatment of the subject animal(s); or

6 (3) Be a failure to pay past-due fines on three or more infractions within a 20  
7 month period;

8 shall be brought in the state court as provided under ORS 203.810 and ORS  
9 30.315.

10 (D) Notwithstanding subsection (A) of this section, a notice of failure to comply  
11 issued under this section that is based solely on the failure to pay the annual  
12 classified dog fee under MCC 8.10.280(G), shall be a Class C infraction.

13 [Ord. 732 § 15 (1992); Ord. 773, § 2 (1993); Ord. 850, § 29 (1996)]

14 (E) In addition to any other remedies allowed by law, judgment may be entered  
15 under this Section in state court against any person issued a citation under  
16 subsection (C) of this section by reason of that person failing to appear at the  
17 time and date set for arraignment or other required appearance provided that  
18 such judgment shall only be allowed if the notice of infraction served on the  
19 person contains a statement notifying the person that a monetary judgment may  
20 be entered against the person up to the maximum amount of fines, assessments,  
21 and other costs allowed by law for the infraction if the person fails to appear at  
22 the time, date and court specified in the notice of infraction or subsequent  
23 hearing notice from the court.

1 Section XXIV. AMENDMENT

2 MCC 8.10.192 is amended as follows:

3 (A) Whenever a public nuisance animal, as determined by the director under this  
4 chapter is found on any premises within the jurisdiction of the county, a written  
5 order may be given to the owner or keeper of the animal(s), or to the owner,  
6 occupant, person in possession, person in charge, or person in control of the  
7 premises where the animal(s) is (are) located, or a written order may be posted  
8 at such premises when none of the above people can be found at the premises.

9 Such order shall be signed by the director and shall give the person or persons to  
10 whom it is directed no less than 72 hours (three days) nor more than 120 hours  
11 (five days) to remove and abate the nuisance.

12 (B) If, after the time given to comply with the notice has passed, the nuisance has  
13 not been abated, the director may summarily abate the nuisance by ordering  
14 impoundment of the animal(s) and assess the cost of such abatement against  
15 the owner or keeper of the animal(s), or the owner, occupant, person in  
16 possession, person in charge, or person in control of the premises where the  
17 animal(s) is (are) located, to be collected by suit or otherwise, in addition to the  
18 penalties for the violation thereof.

19 (C) It shall be unlawful to fail to comply with an order to abate a nuisance issued as  
20 provided in subsection (A) and shall be construed as ~~interference with the~~  
21 ~~director under MCC 8.10.030(D)~~ a Class A Infraction.

22 (D)(1) Any party served a written order to abate a nuisance as provided in  
23 subsection (A) of this section, may appeal the order as provided under MCC

Multnomah County Animal Control Code

1 8.10.054. The appeal under this section may be consolidated with any  
2 underlying infraction still pending eligible for appeal under this chapter. Provided,  
3 any challenge to an enforcement action brought under subsection (C) of this  
4 section, including issues relating to the validity of the order to abate the nuisance,  
5 shall be joined in one state court proceeding, and there shall be no further  
6 administrative review or appeal except as directed by the court.

7 (2) Any animal impounded pursuant to the order to abate shall not be released  
8 until such time as the director, hearings officer, or court of competent  
9 jurisdiction orders such release.

10 (E)(1) Any enforcement action first brought under MCC 8.10.191(C) shall bar any  
11 enforcement action brought under this section in relation to the same event or  
12 series of events subject to regulation and enforcement under this chapter.

13 (2) Notwithstanding MCC 8.10.191(C), any enforcement action first brought  
14 under this section shall bar any enforcement action brought under MCC  
15 8.10.191(C) in relation to the same event or series of events subject to  
16 regulation and enforcement under this Chapter.

17 [Ord. 850, § 30 (1996)]

18 Section XXV. AMENDMENT

19 MCC 8.10.200 is amended as follows:

20 It is unlawful for any person in Multnomah County to:

21 (A) Harbor, keep, possess, breed or deal in gamecocks; or

22 (B) Knowingly and intentionally, whether for amusement of self or others, or for  
23 financial gain, cause any animal to fight or injure any other animal, cause it to be



1 fought or injured by any other animal or to train or keep for the purpose of  
2 training any animal with the intent that the animal shall be exhibited combatively  
3 with any other animal. Anyone who permits such conduct on premises under  
4 that person's control, and any person present as a spectator at that exhibition,  
5 shall be considered a violator of this subsection and subject to punishment upon  
6 conviction.

7 Section XXVI. AMENDMENT

8 MCC 8.10.270 is amended as follows:

9 Classification of a dog as potentially dangerous shall be based upon specific  
10 behaviors exhibited by the dog. For purposes of MCC 8.10.265 through 8.10.285,  
11 behaviors establishing various levels of potentially dangerous dogs are as follows:

12 (A) Level 1 behavior is established if a dog at large is found to menace, chase,  
13 display threatening or aggressive behavior or otherwise threaten or endanger the  
14 safety of any person ~~or domestic animal~~.

15 (B) Level 2 behavior is established if a dog while at large, causes physical injury to  
16 any domestic animal.

17 (C) Level 3 behavior is established if a dog, while confined in accordance with MCC  
18 8.10.010(B), aggressively bites ~~or causes any physical injury to~~ any person.

19 (D) Level 4 behavior is established if:

20 (1) A dog, while at large,

21 (a) aggressively bites ~~or causes physical injury to~~ any person; or

22 (b) kills or causes the death of any domestic animal or livestock; or

Multnomah County Animal Control Code

1 (2) A dog classified as a Level 3 potentially dangerous dog that repeats the  
2 behavior in subsection (C) of this section after the owner or keeper receives  
3 notice of the Level 3 classification.

4 (E) Notwithstanding subsection (A) through (D) of this section, the director shall have  
5 discretionary authority to refrain from classifying a dog as potentially dangerous,  
6 even if the dog has engaged in the behaviors specified in subsections (A)  
7 through (E) of this section, if the director determines that the behavior was the  
8 result of the victim abusing or tormenting the dog or was directed towards a  
9 trespasser or other similar mitigating or extenuating circumstances.

10 [Ord. 517 § 3 (1986); Ord. 591 § 2 (1988); Ord. 732 § 3 (1992); Ord. 850, § 36  
11 (1996)]

12 Section XXVII. AMENDMENT

13 MCC 8.10.271 is amended to as follows:

14 (A) Classification of a dog as a dangerous dog animal shall be based upon the dog  
15 engaging in any of the following behaviors:

16 (1) A dog, whether or not confined, causes the serious physical injury or death of  
17 any person; or

18 (2) A dog is used as a weapon in the commission of a crime ;or,

19 ~~(3) A dog classified as a Level 4 potentially dangerous dog that repeats the~~  
20 ~~behavior described in MCC 8.10.270 (C) or (D) of this section after the owner~~  
21 ~~or keeper receives notice of the Level 4 classification.~~

22 (B) Notwithstanding subsection (A) of this section, the director or hearings officer  
23 shall have discretionary authority to refrain from classifying a dog as a dangerous

Multnomah County Animal Control Code

1 dog animal, even if the dog has engaged in the behaviors specified in subsection  
2 (A) of this section, if the director or hearings officer determines that the behavior  
3 was the result of the victim abusing or tormenting the dog or was directed  
4 towards a trespasser or other extenuating circumstances that establishes that the  
5 dog does not constitute an unreasonable risk to human life or property.

6 (C) If a dog is classified under this section as a dangerous dog animal, and the  
7 owner requests to keep the dog, the director shall have discretion to order the  
8 dog not be euthanized provided the dog is placed in a certified dangerous animal  
9 facility as defined under this chapter.

10 (D) The director in making a determination under MCC 8.10.271(C) may consider  
11 any relevant evidence that addresses one or more of the following factors:

12 (1) Whether the dog constitutes an unreasonable risk to human life or property if  
13 housed in a dangerous dog facility; or

14 (2) Whether the dog has successfully completed the certified America  
15 Temperament Testing Society and/or Pet Partners as deemed appropriate  
16 ~~been through a certified obedience or other training program; or~~

17 ~~(3) (4) Whether the dog is a good candidate for obedience training based upon~~  
18 ~~the testimony of a certified animal trainer or behaviorist; or~~ The reasonable  
19 likelihood of no repeated behavior by the animal in violation of this chapter.

20 [Ord. 850, § 37 (1996)]

21 Section XXVIII. AMENDMENT

22 MCC 8.10.275 is amended to as follows:

**Multnomah County Animal Control Code**

- 1 (A) The director shall have authority to determine whether any dog has engaged in  
2 the behaviors specified in MCC 8.10.270 or 8.10.271. This determination may be  
3 based upon an investigation that includes observation of and testimony about the  
4 dog's behavior, including the dog's upbringing and the owner's or keeper's  
5 control of the dog, and other relevant evidence as determined by the director.  
6 These observations and testimony can be provided by Multnomah County  
7 aAnimal eControl eOfficers or by other witnesses who personally observed the  
8 behavior. They shall sign a written statement attesting to the observed behavior  
9 and agree to provide testimony regarding the dog's behavior if necessary.
- 10 (B) The director shall have the discretion to increase or decrease a classified dog's  
11 restrictions based upon relevant circumstances.
- 12 (C) The director shall give the dog's owner or keeper written notice by certified mail  
13 or personal service of the dog's specified behavior, of the dog's classification as  
14 a potentially dangerous dog or dangerous animal, of the fine imposed, and of the  
15 restrictions applicable to that dog by reason of its classification. If the owner or  
16 keeper denies that the behavior in question occurred, the owner or keeper may  
17 appeal the director's decision to the hearings officer by filing a written request for  
18 a hearing with the director as provided under MCC 8.10.054.
- 19 (D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4  
20 potentially dangerous dog or dangerous animal pursuant to subsection (C) of this  
21 section, the owner or keeper shall comply with the restrictions specified in the  
22 notice unless reversed on appeal. Failure to comply with the specified  
23 restrictions shall be a violation of this chapter for which a fine can be imposed.

1        Additionally, the director shall have authority to impound the dog pending  
2        completion of all appeals.

3        (E) If the director's decision or the hearings officer's decision finds that a dog has  
4        engaged in dangerous animal behavior, the dog shall be impounded pending the  
5        completion of a dangerous animal facility application or any appeals.

6        (F) Any dog classified as a Level 4, that is found to have repeated Level 4 behavior  
7        as defined under this code shall be impounded pursuant to MCC 8.10.192 if not  
8        already impounded. The dog shall not be released to the owner or be made  
9        available for adoption until either potential recipient of the dog has established  
10       arrangements for accommodating the animal consistent with all the security and  
11       safety requirements ordered by the director or the hearings officer.

12       [Ord. 517 § 3 (1986); Ord. 550 §§ 2, 3 (1987); Ord. 591 § 3 (1988); Ord. 732 §§ 3,  
13       16 (1992); Ord. 850, § 38 (1996)]

14       Section XXIX. AMENDMENT

15       MCC 8.10.280 is amended to as follows:

16       In addition to the other requirements of MCC Chapter 8.10, the owner or keeper of a  
17       potentially dangerous dog shall comply with the following conditions:

18       (A) Dogs classified as Level 1 dogs shall be restrained in accordance with MCC  
19       8.10.010(B) by a physical device or structure, in a manner that prevents the dog  
20       from reaching any public sidewalk, or adjoining property and must be located so  
21       as not to interfere with the public's legal access to the owner's or keeper's  
22       premises, whenever that dog is outside the owner's or keeper's home and not on  
23       a leash.

1 (B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure  
2 whenever the dog is not on a leash. The secure enclosure must be located so as  
3 not to interfere with the public's legal access to the owner's or keeper's premises.

4 In addition, the director may require the owner or keeper to obtain and maintain  
5 proof of public liability insurance. In addition, the owner or keeper may be  
6 required to complete a responsible pet ownership program as prescribed by the  
7 director or a hearings officer.

8 (C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure  
9 enclosure whenever the dog is not on a leash. The secure enclosure must be  
10 located so as not to interfere with the public's legal access to the owner's or  
11 keeper's premises, and the owner or keeper shall post warning signs, which are  
12 provided by the director, on the premises where the dog is kept, in conformance  
13 with rules to be adopted by the director. In addition, the director may require the  
14 owner or keeper to obtain and maintain proof of public liability insurance. The  
15 owner or keeper shall not permit the dog to be off the owner's or keeper's  
16 premises unless the dog is muzzled and restrained by an adequate leash and  
17 under the control of a capable person. In addition, the director may require the  
18 owner or keeper to satisfactorily complete a pet ownership program.

19 (D) Dogs classified as a dangerous animal as described in MCC 8.10.271 shall be  
20 euthanized or placed in a dangerous animal facility as determined by the director  
21 or hearings officer. A dog classified as a dangerous animal shall be confined  
22 within a secure enclosure with a double security gate and shall meet the  
23 requirements in subsection (C) above. In addition, the director or hearings officer

Multnomah County Animal Control Code

1 may suspend, for a period of time specified by the director or hearings officer,  
2 that dog owner's or keeper's right to be the owner or keeper of any dog in  
3 Multnomah County, including dogs currently owned by that person.

4 (E) All dogs classified as dangerous animals, and determined by the director or  
5 hearings officer to be euthanized shall be euthanized at any time not less than 20  
6 days of the date of classification. Notification to the director of any appeal to the  
7 hearings officer as provided for in MCC 8.10.054(A) or to any court of competent  
8 jurisdiction shall delay destruction of the dog until a date not less than 15 days  
9 after a final decision by the hearings officer or final judgment by the court.

10 (F) To insure correct identification, all dogs that have been classified as potentially  
11 dangerous or dangerous animals shall be marked with a permanent identifying  
12 mark, micro-chipped, photographed, ~~or~~ and may be fitted with a special tag or  
13 collar as determined by the director, at the owner's expense. The director shall  
14 adopt rules specifying the type of required identification.

15 (G) In addition to the normal licensing fees established by MCC 8.10.220(A)(2) and  
16 (2), there shall be an annual fee of \$50.00 for dogs classified at Level 1; and  
17 \$100.00 for dogs classified at Level 2 and 3 and; \$150.00 for dogs classified as  
18 Level 4; and \$300.00 for dogs classified as Dangerous Animal. This additional  
19 fee shall be imposed at the time of classification of the potentially dangerous dog,  
20 and shall be payable within 30 days of notification by the director. Annual  
21 payment of this additional fee shall be due and payable within 30 days of  
22 notification by the director upon the anniversary date of the classification.

Multnomah County Animal Control Code

1 (H) The owner or keeper of a potentially dangerous dog or dogs classified as  
2 dangerous animals shall not permit the warning sign to be removed from the  
3 secure enclosure, and shall not permit the special tag or collar to be removed  
4 from the classified dog. The owner or keeper of a potentially dangerous dog or  
5 dogs classified as dangerous animals shall not permit the dog to be moved to a  
6 new address or change owners or keepers without providing the director with ten  
7 days' prior written notification.

8 ~~(I) Declassification of potentially dangerous dogs or dogs classified as dangerous~~  
9 ~~animal. Any owner or keeper of a classified potentially dangerous dog or a dog~~  
10 ~~classified as a dangerous animal may apply to the director, in writing, to have the~~  
11 ~~restrictions reduced or removed.~~

12 ~~(1) The following conditions must be met:~~

13 ~~(a) Level 1 or Level 2 dogs have been classified for one year without further~~  
14 ~~incident, or and two years for Level 3 or and Level 4 dogs four years for~~  
15 ~~dogs classified as dangerous animals; and~~

16 ~~(b) (c) The owner or keeper provides the director with written certification of~~  
17 ~~satisfactory completion of obedience training for the dog classified, with~~  
18 ~~the owner or keeper; and There have been no violations of the specified~~  
19 ~~regulations; and~~

20 ~~(c) (f) Any other condition ordered by the director or hearings officer at the~~  
21 ~~time of classification.~~



Multnomah County Animal Control Code

1           ~~(1) The owner or keeper provides the director with written certification of~~  
2           ~~satisfactory completion of obedience training for the dog classified,~~  
3           ~~with the owner or keeper.~~

4           ~~(2) In addition, the director may require the dog owner or keeper to~~  
5           ~~provide written verification that the classified dog has been spayed or~~  
6           ~~neutered.~~

7           ~~(3) Any reclassification request submitted under this section must include~~  
8           ~~\$40.00 review fee.~~

9           ~~(d) In addition, the director may require the dog owner or keeper to provide~~  
10          ~~written verification that the classified dog has been spayed or neutered.~~

11          ~~(e) Any reclassification request submitted under this subsection must include~~  
12          ~~\$40.00 review fee.~~

13          ~~(2) When the owner or keeper of a potentially dangerous dog meets all of the~~  
14          ~~conditions in this subsection, the restrictions for Level 1 and Level 2~~  
15          ~~classified dogs may be removed. Restrictions for Level 3 and Level 4 dogs,~~  
16          ~~and dogs classified as dangerous animals may be removed, with the~~  
17          ~~exception of the secure enclosure.~~

18       [Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

19       Section XXX. AMENDMENT

20           MCC 8.10.285 is amended as follows:

21           **MCC 8.10.285 Declassification of potentially dangerous dog.**

22       Declassification of potentially dangerous dogs or dogs classified as a Dangerous  
23       Animal. A \$40.00 Declassification Fee will be assessed when the classification

Multnomah County Animal Control Code

1 period begins. Declassification will be automatic pursuant to this section. Any  
2 person who observes or has evidence of behavior as described in MCC 8.10.270 or  
3 8.10.271 shall forthwith notify the director.

4 (A) The following conditions must be met:

5 (1) Level 1 or Level 2 dogs have been classified for one year without further  
6 incident, and two years for Level 3 and Level 4 dogs; and

7 (2) There have been no violations of the specified regulations; and

8 (3) Any other condition ordered by the director or hearings officer at the time of  
9 classification.

10 (a) The owner or keeper provides the director with written certification of  
11 satisfactory completion of obedience training for the dog classified, with the  
12 owner or keeper.

13 (b) In addition, the director may require the dog owner or keeper to provide  
14 written verification that the classified dog has been spayed or neutered.

15 (B) When the owner or keeper of a potentially dangerous dog meets all of the  
16 conditions in this subsection, the restrictions for Level 1 and Level 2 classified  
17 dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs  
18 classified as dangerous animals may be removed, with the exception of the  
19 secure enclosure.

20 [Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

21 Section XXXI AMENDMENT

22 MCC 8.10.900 is amended as follows:

23 (A) Violations of the provisions of this chapter shall be classified as provided below.

Multnomah County Animal Control Code

1 (1) Class A infractions. Violations of the following sections or subsections shall  
2 be Class A infractions:

3 (a) MCC 8.10.030;

4 (b) MCC 8.10.150;

5 (c) MCC 8.10.180;

6 (d) ~~(e) MCC 8.10.190(B)(3)~~ MCC 8.10.190(B)(7)(8);

7 (e) ~~(f)~~ MCC 8.10.190(B)(8)(9);

8 (f) ~~(g)~~ MCC 8.10.190(B)(9)(10);

9 (g) ~~(h)~~ MCC 8.10.190(B)(11)(12)

10 (h) MCC 8.10.190(B)(12);

11 (i) MCC 8.10.190(B)(13);

12 (j) MCC 8.10.192;

13 (k) MCC 8.10.200.

14 (2) Class B infractions: Violations of the following sections or subsections of this  
15 chapter shall be Class B infractions:

16 (a) MCC 8.10.045(A)(3)(4);

17 (b) MCC 8.10.155;

18 (c) MCC 8.10.190(B)(3)(4);

19 (d) MCC 8.10.190(B)(4)(5);

20 (e) MCC 8.10.190(B)(5)(6);

21 (f) MCC 8.10.190(B)(6)(7);

22 (g) MCC 8.10.190(B)(10)(14).

1 (3) Class C infractions. Infractions of the following sections or subsections of this  
2 chapter shall be Class C infractions:

3 (a) MCC 8.10.070;

4 (b) MCC 8.10.170;

5 (c) MCC 8.10.190(B)(1);

6 (d) MCC 8.10.190(B)(2);

7 (e) MCC 8.10.210.

8 (4) Except as provided under MCC 8.10.191 and 8.10.192, any other violation of  
9 this chapter not listed in this subsection shall be a Class A infraction.

10 (B) Fines:

11 (1) Class A infraction. A fine for Class A infraction shall be no less than \$100.00  
12 nor more than \$500.00 for a first offense. The fine for a second Class A  
13 infraction committed within 12 months from the date that the first offense was  
14 committed shall be no less than \$200.00, nor more than \$500.00. The fine for  
15 a third Class A infraction committed within 12 months from the date that the  
16 first offense was committed, the fine shall be not less than \$500.00.

17 (2) Class B infraction. A fine for Class B infraction shall be no less than \$50.00  
18 nor more than \$250.00 for the first offense. If the violator committed either a  
19 Class A or B infraction within the 12-month period immediately prior to the  
20 date of the second infraction, the fine shall be no less than \$100.00 nor more  
21 than \$250.00. If the violator has committed two or more Class A or B  
22 infractions within the 12-month period immediately prior to the date of the

1 most recent notice of infraction for a Class B infraction, the fine shall be  
2 \$250.00.

3 (3) Class C infractions. A fine for a Class C infraction shall be no less than  
4 \$30.00 nor greater than \$150.00 for a first offense. If the violator has  
5 committed a Class A, B, or C infractions within the 12-month period  
6 immediately prior to the date of the second infraction, the fine shall be no less  
7 than \$50.00 nor more than \$150.00. If the violator has committed two or  
8 more Class A, B, or C infractions within the 12-month period immediately prior  
9 to the date of the most recent notice of infraction for a Class C infraction, the  
10 fine shall be \$150.00.

11 (C) Additional conditions and restrictions. In addition to the monetary civil penalties  
12 imposed for infractions of this chapter, and the regulations applicable under MCC  
13 8.10.280, the director and the hearings officer shall have authority to order  
14 additional restrictions and conditions upon the party in violation, including but not  
15 limited to:

16 (1) Require the owner or keeper and animal to satisfactorily complete an  
17 obedience program approved by the director or hearings officer at owner's or  
18 keeper's expense.

19 (2) Require the owner or keeper to attend a responsible pet ownership program  
20 adopted and/or approved by the director or hearings officer, at the owner's or  
21 keeper's expense;

22 (3) Require the owner or keeper of an animal that unreasonable causes  
23 annoyance, as described in MCC 8.10.190(B)(5)(~~6~~), to keep the animal inside

Multnomah County Animal Control Code

1 the owner or keeper's residence during hours specified by the director or  
2 hearings officer;

3 (4) The director or hearings officer may suspend, for a period of time specified by  
4 the director or hearings officer, the animal owner's or keeper's right to own or  
5 keep any animal in Multnomah County.

6 (5) Require the owner or keeper to have the animal surgically sterilized within a  
7 time period determined by the director or hearings officer.

8 (6) Any other condition(s) that would reasonably abate the infraction.

9 (D) Late payment penalties. If a civil penalty is unpaid after 30 days, the fine then  
10 due shall be increased by 25 percent of the original amount; if the civil penalty is  
11 not paid after 60 days, the fine then due shall be increased by 50 percent of the  
12 original amount.

13 (E) At the discretion of the director, any civil penalty(ies) not paid within 30 days from  
14 the date of issuance of the notice of infraction may be assigned to a collections  
15 agency for collection.

16 [Ord. 156, § VIII(1) (1977); Ord. 732 § 19 (1992); Ord. 733, § 4 (1993); Ord. 823 § 5  
17 (1995); Ord. 850, § 42 (1996)]

18 Section XXXII. AMENDMENT

19 MCC 8.10.940 is amended as follows:

20 A. Any person convicted of violation of MCC 8.10.200, shall be subject to a fine not  
21 to exceed \$500, and the court may order impoundment of any animal caused to  
22 be engaged in the prohibited conduct, which animal may be disposed of by the  
23 director.

Multnomah County Animal Control Code

1 B. Any person previously convicted under this section shall be subject to  
2 punishment by imprisonment for a term of not more than one year and a fine not  
3 to exceed \$1,000 or both.

4 [Ord 156 § VIII(5) (1977); Rpld. By Ord. 732 § 21 (1992)]

5 Approved this 25th day of June, 1998 being the date of its third reading  
6 before the Board of County Commissioners for Multnomah County, Oregon.

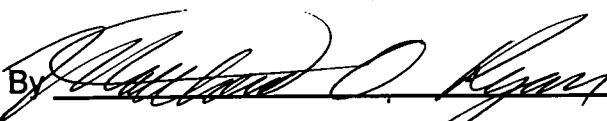
7  
8 BOARD OF COUNTY COMMISSIONERS  
9 FOR MULTNOMAH COUNTY, OREGON  
10

11 By \_\_\_\_\_

12 Beverly Stein, Chair  
13

14 REVIEWED:

15 THOMAS SPONSLER, COUNTY COUNSEL  
16 FOR MULTNOMAH COUNTY, OREGON  
17

18 By  \_\_\_\_\_

19 Matthew O. Ryan, Assistant County Counsel  
20  
21  
22  
23

**The following are proposed Amendments upon the Second Reading of the Multnomah County Animal Control Code Revision Ordinance on June 18, 1998:**

- 1) At Page 3, Line 7; MCC 8.10.010 (G) (6) was incorrectly amended by the addition of the following language: "..., or any snake of the family *Pythonidae* or *Boinae* over ten (10) feet in length." The language was considered and rejected on June 11, 1998, and needs to be stricken.
- 2) New proposal for the same subsection referenced in Number 1 as follows: MCC 8.10.010 (G) (6) be amended to read as follows:

Any reptile of the order *Crocodylia* (crocodiles, alligators and caimans), or any snake of the family *Pythonidae* or *Boinae* capable of obtaining eight feet or more in length.

- 3) At Page 38, Line 4; the proposed new subsection MCC 8.10.190 (B) (13), be amended as follows:

To harbor a dangerous or exotic animal that is not otherwise exempted under MCC 8.10.140. Provided, any person who owns or is keeping a dangerous or exotic animal on the effective date of this Ordinance in that person's jurisdiction, shall have 180 days from the effective date to provide for the animal's removal from Multnomah County or other lawful disposition.



#1

## SPEAKER SIGN UP CARDS

DATE 6-18-98

NAME

FLORENCE SHIELDS

ADDRESS

11272 NW Skyline Blvd  
Portland, OR 97231

PHONE

285-4131

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC 2-9

GIVE TO BOARD CLERK

#2

## SPEAKER SIGN UP CARDS

DATE 6/18/98

NAME LES SHIELDS

ADDRESS 11272 NW SKYLING BLVD  
PORTLAND, OR 97231

PHONE 285-4131

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-9

GIVE TO BOARD CLERK

#3

## SPEAKER SIGN UP CARDS

DATE

6/18/98

NAME

PAUL NORR

ADDRESS

1020 SW TAYLOR #530

Portland, OR 97205

PHONE

(503) 228-3862

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC

R-9

GIVE TO BOARD CLERK

#4

## SPEAKER SIGN UP CARDS

DATE 6-18-98

NAME

Karen Anderson

ADDRESS

11276 NW Skyline Blvd  
Portland, OR 97231

PHONE

283-6362

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC

Amending Commercial Forest Use

R-9

GIVE TO BOARD CLERK

Section of the Zoning Code to  
implement the commercial forest use

#5

## SPEAKER SIGN UP CARDS

DATE 6/18/98

NAME Matt Harrell

ADDRESS 9642 N. Kalman

Portland, OR 97203

PHONE 283 0837

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-9

GIVE TO BOARD CLERK

#6

**SPEAKER SIGN UP CARDS**

DATE 6-18-98

NAME Ken Blanc

ADDRESS 956 SE EVANS RD  
Corbett, OR 97019

PHONE 695 2584

SPEAKING ON AGENDA ITEM NUMBER, OR  
TOPIC CFU East of Sandy  
GIVE TO BOARD CLERK

Meeting Date: JUN 18 1998  
Agenda No: R-9  
Est. Start Time: 10:40

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** Public Hearing on an Ordinance amending the Commercial Forest Use section of the Zoning Code to implement the commercial forest use policies of the West Hills and East of the Sandy River Rural Area Plans, plus providing for reductions in fire safety zone setbacks when new structures are constructed to higher fire resistivity standards.

**BOARD BRIEFING** Date Requested:  
Amt. of Time Needed:  
Requested By:

**REGULAR MEETING** Date Requested: June 18, 1998  
Amt. of Time Needed: 30 Min.

**DEPARTMENT:** DES **DIVISION:** Transportation & Land Use Planning  
**CONTACT:** Robert Hall **TELEPHONE:** 248-3043  
**BLDG/ROOM:** 412 / 109

**PERSON(S) MAKING PRESENTATION:** Robert Hall

### ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

### SUGGESTED AGENDA TITLE

Public Hearing on an Ordinance amending the Commercial Forest Use section of the Zoning Code to implement the commercial forest use policies of the West Hills and East of the Sandy River Rural Area Plans, plus providing for reductions in fire safety zone setbacks when new structures are constructed to higher fire resistivity standards.

### SIGNATURES REQUIRED

Elected Official: \_\_\_\_\_

or

Department Manager: KB Larry F. Nicholas/mc

CLERK OF  
COUNTY BOARD OF  
JUN 10 PM 12:25  
MULTNOMAH COUNTY  
OREGON

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
STAFF REPORT SUPPLEMENT**

**To:** Board of County Commissioners

**FROM:** Planning Staff

Today's Date: June 9, 1998

Requested

Placement Date: June 18, 1998

**RE:** Public hearing on an ordinance amending the Commercial Forest Use section of the Zoning Code to implement the commercial forest use policies of the West Hills and East of the Sandy River Rural Area Plans, plus providing for reductions in fire safety zone setbacks when new structures are constructed to higher fire resistivity standards.

**I. Recommendation/ Action Requested:**

The Planning commission unanimously recommends adoption of these amendments which fully implement the commercial forest use policies of the West Hills and East of the Sandy River Rural Area Plans, and provide for reductions in fire safety zone setbacks when new structures are constructed to higher fire resistivity standards.

**II. Background/ Analysis:**

(A) The Board adopted the West Hills Rural Area Plan in October, 1996 and the East of Sandy River Rural Area Plan in July, 1997. Each of those plans divided the existing Commercial Forest Use Comprehensive Framework Plan designations into two separate Plan designations for their respective areas.

**WEST HILLS RURAL AREA PLAN**

The West Hills Plan called for the establishment of the following:

- (1) A CFU-1 zone which would preserve forest lands for continued commercial timber production by limiting residential development to tracts of 160 acres or greater, or non-contiguous tracts of 200 acres or greater (large tract dwelling); and
- (2) A CFU-2 zone that would allow:
  - (a) Large tract dwellings as in CFU-1;
  - (b) Dwellings on lots which have been continuously owned by the same family since 1985 and are not capable of producing more than 5,000 cubic feet of commercial timber per year (Heritage tract dwelling; and
  - (c) Dwellings on lots that are surrounded by at least eleven lots and five existing dwellings within a 160 acre area (Template dwellings).



## EAST OF SANDY RIVER RURAL AREA PLAN

The East of Sandy River Plan called for the establishment of the following:

- (1) A CFU-3 zone which would preserve forest lands for continued commercial timber production by prohibiting new residential uses; and
- (2) A CFU-4 zone that would allow:
  - (a) Large tract dwellings as in CFU-1 & 2;
  - (b) Dwellings on lots which have been continuously owned by the same family since 1985 and are not capable of producing more than 5,000 cubic feet of commercial timber per year (Heritage tract dwelling);
  - (c) Dwellings on lots that are surrounded by at least eleven lots and five existing dwellings within a 160 acre area (Template dwellings), and
  - (d) Dissaggregation of legally created lots for consideration of an additional dwelling if the property has been owned by the same owner since 1985.
- (B) The current Commercial Forest Use district requires a 200 foot forest practices setback of any structure from a property line. That 200 foot setback is in excess of the 130 foot setback required by the Department of Land Conservation and Development in Oregon Administrative Rule 660-06-035 and is a standard that has been difficult for many property owners to satisfy when they would otherwise have the ability to build on their land.

The County has allowed property owners to apply for variances to reduce the 200 foot fire safety setback requirement. We have been informed by the DLCD staff that a variance is not the appropriate method in which to allow reduced setbacks. They point out that Oregon Administrative Rule 660-06-035 provides that counties may adopt equivalency standards to reduce fire safety setbacks. Planning staff checked around the State and found that Columbia County, in conjunction with the Oregon Department of Forestry and the City of St. Helens had adopted such equivalency standards and they were well accepted by property owners. The Planning Commission considered those standards and felt they are a very effective way to allow for reductions in fire safety setbacks. Those standards involve increasing the fire resistivity of the structure (which requires no long-term maintenance), versus clearing of brush, tree pruning, irrigation, etc. which have been adopted as equivalency standards by some other jurisdictions (and require long-term maintenance that is often neglected). A summary table of those standards is attached.

The Planning Commission considered these matters at a workshop and two public hearings and developed the language for each of the five zones contained in your packet.

### III. Financial Impact:

No fiscal impact to the County has been identified.

CORRECTED PAGE 2  
JUNE 15, 1998

#### IV. Legal Issues:

No legal issues were identified during the Planning Commission hearing process.

#### V. Controversial Issues:

Testimony at Planning Commission hearings was essentially without controversy.

#### VI. Link to Current County Policies:

These amendments will implement the commercial forest use policies of the West Hills and East of Sandy River Rural Area plans adopted by the Board.

#### VII. Citizen Participation:

Notice of the Planning Commission hearing on the proposed ordinance was mailed to all owners of CFU property in the entire County and published in the Oregonian newspaper. Testimony at the Planning Commission hearings was in almost total support of the amendments. While some people had questions of the effect of the amendments, there was no stated opposition to the proposed code changes.

#### VIII. Other Government Participation:

Oregon Department of Land Conservation and Development, Oregon Department of Forestry, Tualatin Valley Fire District, and City of St. Helens Fire Department.

**IGNITION RESISTANT CONSTRUCTION CATEGORIES**  
(FROM INTERNATIONAL FIRE CODE INSTITUTE 1997 *URBAN-WILDLAND INTERFACE CODE*)

Construction Features	Ignition Rating 1 (§ 504)	Ignition Rating 2 (§ 505)
Roof Covering	Class A	Class B
Protection of Eaves	1-hour fascia protected on back-side or 2" thick	Material min. 3/4" thick. No exposed rafters unless heavy timbers.
Gutters and Downspouts	Noncombustible material	Noncombustible material
Exterior Walls	1-hour or noncombustible	1-hour or noncombustible
Unenclosed underfloor protection	Enclosure non-rated if exterior structure members & wall are 1 hour or heavy timber.	Enclosure non-rated if exterior structure members & wall are 1 hour or heavy timber.
Appendages & projections	1-Hour, heavy timber, or noncombustible. Enclosed to within 6" of ground if slope greater than 10%.	1-Hour, heavy timber, or noncombustible. Enclosed to within 6" of ground if slope greater than 10%.
Windows	Tempered glass or multilayered glazed panels.	Tempered glass or multilayered glazed panels.
Exterior doors	13/4" thick noncombustible or solid core.	13/8" thick noncombustible or solid core.
Vents	Not to exceed 144 sq.ins. each, corrosion resistant wire mesh not to exceed 1/4" mesh.	Not to exceed 144 sq.ins. each, corrosion resistant wire mesh not to exceed 1/4" mesh.
Fences	Noncombustible if less than 12 feet from a structure.	Noncombustible if less than 12 feet from a structure.
Remote Monitoring	Central Station monitored 13D sprinkler system.	Central Station monitored approved alarm system.
Spark Arrestors	Required on any chimney.	Required on any chimney.

# RESOLUTION

C 1-98

## MULTNOMAH COUNTY PLANNING COMMISSION

WHEREAS, The West Hills Rural Area Plan divided the Comprehensive Framework Plan Commercial Forest designation into two categories for the portion of the County covered by that plan;

WHEREAS, The East of Sandy River Rural Area Plan divided the Comprehensive Framework Plan Commercial Forest designation into two additional categories for the portion of the County covered by that plan;

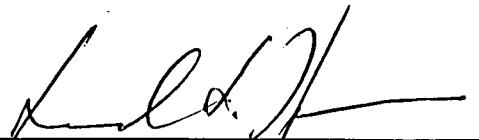
WHEREAS, The current Commercial Forest Use zoning district does not implement the policies of the four new Comprehensive Framework Plan designations established by the West Hills and East of Sandy River Rural Area Plans;

WHEREAS, There are no provisions in the current Commercial Forest Use zoning district for consideration of equivalency standards to the fire safety zones as allowed by Oregon Administrative Rule 660-06-035;

WHEREAS, The Oregon Department of Forestry and the Oregon Department of Land Conservation and Development have found that constructing structures to certain higher ignition resistance standards provides a viable equivalency to allow reductions of fire safety zones.

WHEREAS, On April 6, 1998, the Planning Commission held public a hearing. At that hearing all interested persons were given an opportunity to appear and be heard, and the Planning Commission provided an additional one week period for written comments. On April 20, 1998, the Planning Commission held a second hearing to consider all previous testimony and recommended adoption of new zoning districts which divide the Commercial Forest Use section of the Zoning Code into four new zoning districts which implement the provisions of the West Hills and East of Sandy River Rural Area Plans and provide equivalency standards for the fire safety standards required by Oregon Administrative Rule 660-06-035.

NOW, THEREFORE, BE IT RESOLVED that the Multnomah County Planning Commission recommends adoption of the following Zoning Code amendments by the Board of County Commissioners.



Leonard Yoon, Chairman

April 20, 1998

Karen Anderson  
11276 NW Skyline Blvd..  
Portland, Oregon 97231

5 May 98

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
98 MAY 11 PM 1:04

Board of County Commissioners  
c/o Clerk of the Board  
Multnomah County  
1120 SW Fifth Avenue, Room 1510  
Portland, Oregon 97204

Re: Planning Commission Agenda Item V. for April 20, 1998;  
Hearing Regarding the CFU Zoning District Amendments

Dear Members of the Board:

I am submitting these remarks for your consideration regarding the proposed new forest practices setback and the fire safety setback standards which appear to be replacements for the existing 200 foot "Minimum Yard Dimensions" requirements of Section 11.15.2058 (C).

I am concerned because it appears that these new proposed fire safety standards are replacing the old yard setback requirements, making fire safety the only reason to have a yard setback requirement.

It appears that the old 200 foot yard setback is being reduced to 130 feet, with further reduction of the yard requirement down to only 30 feet solely on the basis of fire safety issues. This ignores the fact that the yard setbacks are intended to protect neighbors from impacts other than just fire safety.

The County Board as recently as February 3, 1998 made the following statement as one of their findings in a yard setback case in which the Board refused to reduce the 200 foot yard setback requirement for reasons other than just fire safety. The Board, in adopting the following statement on page 11 of the Decision as part of their Final Order 98-11 in Case No. HV 13-97 (Shields Horse Barn), found that:

"... there are substantial impacts from having the building located where it is. Fire protection is one. The general activities

associated with this facility, even though it may be a structure that is allowed in the CFU zone, are not allowed this close to the neighbors' property. There are more reasons for the setback than just fire protection. One concern is for the impact on the neighbor. The impact of noise and the activities associated with the use that will take place within the building. The open side of the building that will attract the most activity, is the side that faces Ms. Anderson's property. The hub of the activity associated with the building is on the side of the structure facing the Anderson property. That is where the vehicles and horse trailers will have to come in and where deliveries will be made. There is no information in the record about impacts from manure pile, the smell from the horses, the general activity, and the noise, all within 64 feet from Ms. Anderson's property."

As the County Board recently said, " There are more reasons for the setback than just fire protection." The existing 200 foot setback should not be thrown out and replaced with only a fire safety standard.

I request that you reopen the public hearing on this matter and postpone any action on these proposed Code amendments until the proposed Code amendments can be modified to reflect that the new fire safety standards replace only the old fire safety standards found in Code Section 11.15.2074 (A) (1)-(4), and 11.15.2074 (B)-(D).

Please take your time to be careful not to wipe out all of the other setback and siting considerations to only replace them with just fire safety considerations.

Respectfully,

A handwritten signature in cursive script that reads "Karen Anderson". The signature is written in dark ink and is positioned above the printed name.

Karen Anderson

He testified that the minimum area to work larger horses is 60 feet by 120 feet. He said a barn of that size typically has a row of stalls along one or both sides which provides 12-foot by 12 foot stalls, bathrooms, viewing areas, etc. He said a 12 foot by 12 foot stall is the minimum recommended for horses. They decided to build two rows of stalls separated by a walkway. They did that for cost reasons, but also because it would eliminate the need for an additional 12 foot walkway on the other side of the barn, allowing a smaller building. He testified that the total cost of the facility was more than \$60,000.

His builder gave him a letter saying that the barn was permit exempt because it was used for agricultural purposes. He said he called Multnomah County about building permits and was directed to the City of Portland because they handle that function for the county. The City of Portland told him that no building permit was needed. He said he was not told to ask about the zoning regulations or permits. With that confirmation from the City and the builder they had the property graded. The building was completed in November of 1996.

On January 11, 1997 he received a notice from Lisa Estrin of Multnomah County noting the zoning violations. He then contacted Christopher Brand, his attorney, to help with the permit process. Mr. Shields said he and his wife have had good relationships with their neighbors over the last eleven years. Only one neighbor is concerned and the other neighbors are supportive of the use. Even the owners who have their land in forest practices felt that the arena wouldn't have any impact on their land.

4. Florence Shields, applicant, testified that after talking with the builder, the excavator, the County and the City of Portland, who all said it was exempt from permit requirements, they proceeded to build the barn. She said they would never have built the barn if they knew that these requirements existed. She said that the arena is at elevation 975 feet and that Karen Anderson is at approximately 1,000 feet. Everything slopes down to the west. She submitted a map showing the land uses within ½ mile of the site.

5. Don Rondeman, Geotechnical Engineer, addressed four points: 1) slope stability, 2) earth work, which involves cutting, filling and compaction, 3) drainage and erosion control and 4) foundation and settlement. He testified that the location of the barn is the best location for it with respect to geotechnical issues.

6. Paul Norr, attorney representing Karen Anderson, an adjacent property owner directly to the east, testified that the owner is Les and Florence Shields and not Eldon Shields as indicated in the staff report. That is important because he disagrees that the property is a separate lot from Tax lot 30. He said the Shields have not one but two lots – one parcel that is 625 feet by 700 feet. He argued that the definition of a "lot" and of a "Lot of Record" in the Code indicate that this should be viewed as one parcel. He

argued that a setback of 200 feet on all sides of the parcel leaves them with an area of 225 feet by 300 feet in the center of the property which can be used to site a building of the size that is proposed. He noted that this structure has to be viewed by the Hearings Officer as though it had never been built. He said one of the key issues is the secondary fire zone.

Mr. Norr noted that there are limitations on the use of conditions of approval to satisfy code requirements. Providing letters later to show that the applicants can meet the fire zone requirements or imposing conditions to somehow deal with not meeting the fire zone requirements can't substitute for the findings of fact that are required. He appreciates that the Shields may have been misled by their contractor, or that there may have been some misunderstanding as to the requirements for permits. Nonetheless, he argued that no matter what City or County officials may have told somebody, there is a 200-foot setback requirement in the Code. He argued that Ms. Anderson is entitled to have that requirement complied with. If the Shields want some recourse, he would suggest the contractor. But, Ms. Anderson, shouldn't be forced to live with this structure just because somebody didn't read the code.

7. Karen Anderson, owner of the adjoining property to the east, testified that she is not opposed to the building but she is opposed to the location of the building. A major concern she has is the fire zone standards. She said the house that she lives in is built on the foundation of a house that in 1985 burned to the ground. She understands that the former house was a total loss because when the fire truck arrived, the firefighters had to put the fire in the field out to prevent a forest fire, before they would start on the house fire. She submitted a picture showing the area is heavily forested and why fire is such a concern. Exhibit H10. She understands that a fire hydrant is located on Newberry Road and the fire district would like structures to be within 1,000 feet of a hydrant if possible. If firefighters brought a hose up from Newberry Road that would be more than 1,000 feet. She said it wouldn't be practical for firefighters to extend a fire hose across a field to get to the barn. She feels that the location of this barn has an injurious affect on her property value because her land can no longer be used for what is zoned for if the barn remains at 64 feet from her property line and 154 feet from the front door of her house. She said the barn has 20 stalls and it is designed for commercial use.

8. Christopher Brand, in rebuttal, asked that the record be held open. With respect to the secondary fire zone issue, he said that the applicant will provide evidence that they have complied with the requirements to the greatest extent possible. He said the secondary fire break involves pruning and clearing so that underlying brush and low branches that can catch fire are removed. He believes the applicant has demonstrated that this property's size shape, topography, etc., renders it different from properties generally occurring in the area. He said there is evidence both from the rural area plan and from the title officer that this is not a typical lot in the CFU district. While there may be some lots like it, its characteristics do not generally occur in the district. With respect to the view impacts, he said there is no applicable criteria. He said the arena was not sited with any intent to stay away from the Shield's residence or to be closer to Ms. Anderson's, or to



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. \_\_\_\_\_

An Ordinance amending MCC 11.15 by incorporating standards implementing the Commercial Forest Use Policies of the West Hills and East of Sandy River Rural Area Plans and providing equivalency standards to fire safety zones as allowed by Oregon Administrative Rule 660-06-035.

**SECTION I. FINDINGS**

- (A) The West Hills Rural Area Plan divided the Comprehensive Framework Plan Commercial Forest designation into two categories for the portion of the County covered by that plan;
- (B) The East of Sandy River Rural Area Plan divided the Comprehensive Framework Plan Commercial Forest designation into two additional categories for the portion of the County covered by that plan;
- (C) The current Commercial Forest Use zoning district does not implement the policies of the four new Comprehensive Framework Plan designations established by the West Hills and East of Sandy River Rural Area Plans;
- (D) There are no provisions in the current Commercial Forest Use zoning district for consideration of equivalency standards to the fire safety zones as allowed by Oregon Administrative Rule 660-06-035;
- (E) The Oregon Department of Forestry and the Oregon Department of Land Conservation and Development have found that constructing structures to certain higher ignition resistance standards provides a viable equivalency to allow reductions of fire safety zones.
- (F) On April 6, 1998, the Planning Commission held public a hearing. At that hearing all interested persons were given an opportunity to appear and be heard, and the Planning Commission provided an additional one week period for written comments. On April 20, 1998, the Planning Commission held a second hearing to consider all previous testimony and recommended adoption of new zoning districts which divide the Commercial Forest Use section of the Zoning Code into four new zoning districts which implement the provisions of the West Hills and East of Sandy River Rural Area

Plans and provide equivalency standards for the fire safety standards required by Oregon Administrative Rule 660-06-035.

**SECTION II. AMENDMENT OF CFU DISTRICT**

Multnomah County Code Chapter 11.15 is amended as follows:

(A) MCC 11.WH.2042 through .2075 is amended for the West Hills Rural Plan Area as contained in Exhibit A;

(B) MCC 11.ES.2042 through .2075 is amended for the East of Sandy River Rural Plan Area as contained in Exhibit B; and

(C) MCC 11.15.2042 through .2074 is revised and .2075 is added, as contained in Exhibit C, for those portions of the County not considered in either the West Hills or East of Sandy River Rural Area Plans.

**SECTION III. REPLACEMENT OF F-2 DISTRICT**

MCC 11.15.2082 through .2108 F-2 Agricultural District is repealed and replaced with the following:

(A) MCC 11.WH. 2082 through .2115 for the West Hills Rural Plan Area as contained in Exhibit A; and

(B) MCC 11.ES.2082 through .2115 for the East of Sandy River Rural Plan Area as contained in Exhibit B.

**SECTION IV. AMENDMENT OF SECTIONAL ZONING MAPS**

(A) The following Sectional Zoning Maps are amended by substituting those zoning designations adopted by Ordinance 868 (West Hills Rural Area Plan) for all property currently designated Commercial Forest Use: 1-3, 9-11, 17-19, 25-28, 33-36, 41-51, 57-67, 69 & 70, 75-86, 89-92, 94 & 95, 98, 100-102, 105-110, 121 & 122, 124 & 125, 127, and 131-134. Exhibit D is adopted as the official zoning map for the West Hills Rural Area Plan.

(B) The following Sectional Zoning Maps are amended by substituting those zoning designations adopted by Ordinance 882 (East of Sandy River Rural Area Plan) for all property currently designated Commercial Forest Use: 586, 592, 649, 651, 660 & 661, 665 & 666, 668, 671 & 672, 674, 679-681, 683b, 684 a & b, 685-687, 701 & 702, 716 & 717, 760, 764-766, and 772-828.

1 Exhibit E is adopted as the official zoning map for the East of Sandy River Rural Area Plan.

2

3

4

5

6

7

8

9 SECTION V. ADOPTION

10

11 ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1998, being the date of its \_\_\_\_\_ reading  
12 before the Board of County Commissioners of Multnomah County.

13

14

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

15

16

17

By \_\_\_\_\_

18

Beverly Stein, Chair

19

20 REVIEWED:

21 THOMAS SPONSLER, COUNTY COUNSEL

22 FOR MULTNOMAH COUNTY, OREGON

23

24 By Sandra N. Duffy

25 Sandra N. Duffy, Chief Assistant Counsel

26

27

28

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 fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

**11.WH.2084 Area Affected**

MCC .2082 through .2115 shall apply to those lands designated CFU-1 on the Multnomah County Zoning Map.

**11.WH.2085 Definitions**

As used in MCC .2082 through .2115, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) Auxiliary - For the purposes of MCC .2088(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.
- (B) Campground - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- (C) Commercial Tree Species - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.
- (D) Cubic Foot Per Acre - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) Cubic Foot Per Tract Per Year - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining produc-

tivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

- (F) Date of Creation and Existence - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2102 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- (G) Forest Operation - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).
- (H) Tract - One or more contiguous Lots of Record, pursuant to MCC .2102, in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

#### **11.WH.2086 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 uses listed in MCC .2088 through .2096.

#### **11.WH.2088 Uses Permitted Outright**

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

- (1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
- (2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or
- (3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

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

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

(D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling subject to the following:

- (1) The existing dwelling
  - (a) Has intact exterior walls and roof structures;

- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Has interior wiring for interior lights; and
    - (d) Has a heating system.
  - (2) Satisfies the dimensional standards of MCC .2098; and
  - (3) Satisfies the development standards of MCC .2114(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.
- (E) Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:
- (1) The replacement dwelling will be located within 200 feet of the existing dwelling; and
  - (2) The existing dwelling:
    - (a) Has intact exterior walls and roof structures;
    - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Has interior wiring for interior lights;
    - (d) Has a heating system;
    - (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and
  - (3) Satisfies the dimensional standards of MCC .2098 and the development standards of MCC .2114.
- (F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;
- (G) An uninhabitable structure accessory to fish and wildlife enhancement;
- (H) A caretaker residence for a public park or a fish hatchery;
- (I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

- (J) Climbing and passing lanes within the right of way existing as of July 1, 1987;
- (K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;
- (L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- (M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- (N) A lookout tower for forest fire protection;
- (O) A water intake facility, canal and distribution lines for farm irrigation and ponds;
- (P) A temporary forest labor camp;
- (Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (R) Exploration for geothermal resources;
- (S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

#### **11.WH.2089 Uses Permitted Under Prescribed Conditions**

- (A) Replacement of an existing lawfully established single family dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:
  - (1) The existing dwelling:
    - (a) Has intact exterior walls and roof structures;
    - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Has interior wiring for interior lights;
    - (d) Has a heating system; and
    - (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

- (2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC .2098 and the development standards of MCC .2114.
- (B) Restoration or replacement of a lawfully established single family dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:
- (1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and
  - (2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC .2098 and the development standards of MCC .2114.
  - (3) The existing dwelling at the time of the fire, casualty, or natural disaster:
    - (a) Had intact exterior Walls and roof structures;
    - (b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Had interior wiring for interior lights; and
    - (d) Had a heating system.

#### **11.WH.2090 Conditional Uses**

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

- (A) A Large Acreage Dwelling pursuant to the provisions of MCC.2091 and .2114.
- (B)
- (C) The following Community Service Uses pursuant to the provisions of MCC .2093, .2114, .7005 through .7015, and .7035 through .7072.
- (1) Campground.
  - (2) Cemetery.
  - (3) Fire station for rural and forest fire protection.
  - (4) Aid to navigation and aviation.
  - (5) Water intake facility, related treatment facility, pumping station, and distribution line.



- (6) Reservoir and water impoundment.
  - (7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.210.
  - (8) Forest management research and experimentation facility as defined by ORS 526.215.
  - (9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.
  - (10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
  - (11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.
  - (12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
  - (13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.
  - (14) Private hunting and fishing operation without any lodging accommodations.
  - (15) Private seasonal accommodations for a fee hunting operation or fishing, provided:
    - (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;
    - (b) Only minor incidental and accessory retail sales are permitted;
    - (c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
    - (d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.
  - (16) Mining, processing and production of geothermal resources.
- (D) The following uses pursuant to the provisions of MCC .2093, .2114, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.

- (1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;
- (2) Permanent facility for the primary processing of forest products;
- (3) Permanent logging equipment repair and storage;
- (4) Log scaling and weigh stations;
- (5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- (6) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- (7) Improvement of public roads and highway related facilities, such as maintenance yards,  
weigh stations and rest areas, where additional property or right of way is required but not  
resulting in the creation of new land parcels; and
- (8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.

(E) Type B home occupations pursuant to MCC 11.15.7455 through .7465 and provided:

- (1) That no sale of merchandise is made from the premise; and
- (2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

#### **11.WH.2091 Large Acreage Dwelling**

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

(A) The lot or lots in the tract(s) meet(s) the lot of record standards of MCC .2102(A) and (B);

(B) The property consists of:

- (a) A single tract of at least 160 contiguous acres in one ownership within Multnomah County and all zoned for forest use; or,
- (b) Two or more tracts of at least 200 combined acres in one ownership that are not contiguous, but are in Multnomah County or adjacent counties, and all zoned for forest use.

- (C) There is no other dwelling on the tract and no other dwellings are allowed on other lots (or parcels) that make up the tract,
- (D) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (E) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (F) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (G) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:
- (1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (2) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (H) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995) has been recorded with the county Division of Records;
- (1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall

specify that it is not lawful to use the acreage of the subject tract to qualify another tract for the siting of a dwelling;

- (2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;
- (3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

**11.15.2092**

#### **11.WH.2093 Use Compatibility Standards**

Specified uses of MCC.2090(C) and (D) and .2096 may be allowed upon a finding that:

(A) The use will:

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;
- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

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

#### **11.WH.2094 Accessory Uses**

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

- (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982;
- (B) Off-street parking and loading as required by MCC .6100 through .6148;
- (C) Type A home occupations pursuant to the definition and restrictions of MCC .0010 and .2093. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and
- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

## 11.WH.2096 Temporary Uses

- (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2093 and .8710.
- (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2093.
- (C) A mobile home during the construction or reconstruction of a residence allowed under MCC .2048(D) or (E), .2049(B), or .2050(A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling.

## 11.WH.2098 Dimensional Requirements

- (A) Except as provided in MCC .2100, .2101, .2102, and .2104, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.
- (C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.15.2115, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.15.2114(A)(5)(c)(ii).

- (D)
- (E) The minimum forest practices setback 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.

- (F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.
- (G) Yards for the alteration, replacement or restoration of dwellings under MCC .2088(D), .2088(E) and .2089 (B) need not satisfy the development standards of MCC .2114 if originally legally established to a lesser standard than that required by MCC .2114, but in no case shall they be less than those originally established.
- (H) Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2048(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2074(A)(5)(c)(ii).

#### **11.WH.2100 Lots of Exception**

The Planning Director may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2098(A) subject to the following:

- (A) The Lot of Record to be divided exceeds the area requirements of MCC .2098(A);
- (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (C) The Lot of Exception will be no larger than 5 acres;
- (D) The division will create no more than one lot which is less than the minimum area required in MCC.2098(A);
- (E) The division complies with the dimensional requirements of MCC .2098 (C) through (F); and
- (F) The parcel not containing the dwelling is not entitled to a dwelling.
  - (1) A condition of approval shall require that covenants, conditions and restrictions stating that requirement shall be recorded with the county Division of Records.
  - (2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

#### **11.WH.2101 Lot Line Adjustment**

- (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:
  - (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;

- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC .2098 (C) through (E); and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

#### **11.WH.2102 Lot of Record**

(A) For the purposes of this district, a Lot of Record is:

(1) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;
- (b) Which satisfied all applicable laws when the parcel was created; and
- (c) Which satisfies the minimum lot size requirements of MCC .2098, or

(2) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcel was created;
- (c) Does not meet the minimum lot size requirements of MCC .2098; and
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcels were created;
- (c) Which individually do not meet the minimum lot size requirements of MCC

.2098, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) For the purposes of this subsection:

- (1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;
- (2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2098; and
- (3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

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

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2098(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

- (1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.
- (2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.
- (3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.
- (4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

#### **11.WH.2104 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC .2098(A) may be created for the uses listed in MCC .2088(S) and .2090(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2093 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.



## **11.WH.2106 Off-Street Parking and Loading**

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .6100 through .6148.

## **11.WH.2108 Access**

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

## **11.WH.2110 Exemptions From Non-Conforming Use Provisions**

(A) Conditional Uses listed in MCC .2090, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805 through .8810, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .2090.

(B) The term "change of use", as used in this section, means the change from one Conditional Use listed in MCC .2090 to another such Conditional Use.

## **11.WH.2112 Right to Complete Single-Family Dwelling**

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to (effective date).

(1) The building permit shall be subject only to the regulations in effect at the time of issuance.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after January 7, 1993 if approval from the Planning Director was obtained on a building permit application prior to January 7, 1993.

(1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after January 7, 1993 if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2090(A) or MCC .2170(A) in effect prior to January 7, 1993.

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
  - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until January 7, 1993.
- (D) A building permit for a new single family dwelling may be issued after January 7, 1993 for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2092(C) or MCC .2172(C) in effect prior to January 7, 1993 if the approval has not expired pursuant to MCC .7110(C).
- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
  - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

#### **11.WH.2114 Development Standards for Dwellings and Structures**

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2088(D), .2088(E) and .2089 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

- (A) The dwelling or structure shall be located such that:
- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2098(C) through (G);
  - (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
  - (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

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

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2114(D) with permanent signs posted along the access route to indicate the location of the emergency water source;

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

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

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

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.15.2098(D) and .2115.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to proper-

ty line).

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

(B) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;
- (3)
- (4) Have a fire retardant roof; and
- (5) Have a spark arrester on each chimney.

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

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

(2) Evidence of a domestic water supply means:

- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
- (b) A water use permit issued by the Water Resources Department for the use described in the application; or
- (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

- (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
- (3) Provide minimum curve radii of 48 feet or greater;
- (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
- (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
  - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
  - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
  - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
  - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

#### **11.WH.2115 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

- (A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2115(B) when:
  - (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
  - (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
  - (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure as allowed under MCC .2098(D).
- (B) Exceptions to secondary fire safety zones and forest practices setbacks shall only be granted upon satisfaction of the following standards:
  - (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Insti-

tute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or

- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2115(B)(1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2115(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2088(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2114(C)(4) above.
- (6) All accessory structures within the fire safety zone setbacks required by MCC .2114, and all accessory structures within 50 of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 of a building:
  - (a) Have a central monitored alarm system;
  - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

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

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 fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

#### 11.WH.2044 Area Affected

MCC .2042 through .20745 shall apply to those lands designated CFU-2 on the Multnomah County Zoning Map.

#### 11.WH.2045 Definitions

As used in MCC .2042 through .20745, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) *Auxiliary* - For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.
- (B) *Campground* - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- (C) *Commercial Tree Species* - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.
- (D) *Cubic Foot Per Acre* - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) *Cubic Foot Per Tract Per Year* - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining produc-

tivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

(F) *Date of Creation and Existence* - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2062 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

(G) *Forest Operation* - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

(H) *Heritage Tract* - A tract of land that was acquired by the present owner:

(1) Prior to January 1, 1985; or

(2) By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.

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

(I) *Tract* - One or more contiguous Lots of Record, pursuant to MCC .2062, in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

#### **11.WH.2046 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 uses listed in MCC .2048 through .2056.

#### **11.WH.2048 Uses Permitted Outright**

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

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

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited



to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

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

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

(D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling that subject to the following:

(1) ~~Has intact exterior walls and roof structures;~~ The existing dwelling

(a) Has intact exterior walls and roof structures;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights; and

(d) Has a heating system.

(2) ~~Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~ Satisfies the dimensional standards of MCC .2058; and

(3) ~~Has interior wiring for interior lights; and~~ Satisfies the development standards of MCC .2074(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.

(4) ~~Has a heating system.~~

(E) Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling:

(a) Has intact exterior walls and roof structures;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights;

(d) Has a heating system; ~~and~~

(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and

**(3) The replacement dwelling shall satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.**

- (F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;
- (G) An uninhabitable structure accessory to fish and wildlife enhancement;
- (H) A caretaker residence for a public park or a fish hatchery;
- (I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- (J) Climbing and passing lanes within the right of way existing as of July 1, 1987;
- (K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;
- (L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- (M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- (N) A lookout tower for forest fire protection;
- (O) A water intake facility, canal and distribution lines for farm irrigation and ponds;
- (P) A temporary forest labor camp;
- (Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (R) Exploration for geothermal resources;
- (S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

## **11.WH.2049 Uses Permitted Under Prescribed Conditions**

(A) Replacement of an existing lawfully established single family dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling:

- (a) Has intact exterior walls and roof structures;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights;
- (d) Has a heating system; and
- (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC .2058 ~~location meets and~~ the development standards of MCC .2074.

(B) Restoration or replacement of a lawfully established single family dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall ~~be subject to~~ satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.

(3) The existing dwelling at the time of the fire, casualty, or natural disaster:

- (a) Had intact exterior Walls and roof structures;
- (b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Had interior wiring for interior lights; and
- (d) Had a heating system.

## **11.WH.2050 Conditional Uses**

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

(A) A Large Acreage Dwelling pursuant to the provisions of MCC.2051 and .2074.

(B) A Template Dwelling pursuant to the provisions of MCC .2052(A), and .2074.

**(C) A Heritage Tract Dwelling pursuant to the provisions of MCC .2052(B), and .2074.**

**(D)** The following Community Service Uses pursuant to the provisions of MCC .2053, .2074,.7005 through .7015, and .7035 through .7072.

(1) Campground.

(2) Cemetery.

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

(4) Aid to navigation and aviation.

(5) Water intake facility, related treatment facility, pumping station, and distribution line.

(6) Reservoir and water impoundment.

(7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.21 0.

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

(9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

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

(11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.

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

(13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.

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

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

- (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;
- (b) Only minor incidental and accessory retail sales are permitted;
- (c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
- (d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

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

(DE) The following uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.

- (1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;
- (2) Permanent facility for the primary processing of forest products;
- (3) Permanent logging equipment repair and storage;
- (4) Log scaling and weigh stations;
- (5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- (6) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- (7) Improvement of public roads and highway related facilities, such as maintenance yards,  
weigh stations and rest areas, where additional property or right of way is required but not  
resulting in the creation of new land parcels; and
- (8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.

(F) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:

- (1) That no sale of merchandise is made from the premise; and
- (2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

#### **11.WH.2051 Large Acreage Dwelling**

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

- (A) The lot or lots in the tract meet(s) the lot of record standards of MCC .2062(A) and (B);
- (B) ~~The tract contains at least 160 contiguous acres in one ownership zoned for forest use~~ property consists of:
  - (a) A single tract of at least 160 contiguous acres in one ownership within Multnomah County and all zoned for forest use; or,
  - (b) Two or more tracts of at least 200 combined acres in one ownership that are not contiguous, but are in Multnomah County or adjacent counties, and all zoned for forest use.;
- (C) There is no other dwelling on the tract and no other dwellings are allowed on other lots (or parcels) that make up the tract,
- (D) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (E) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (F) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (G) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:
  - (1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

- (2) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (H) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995) has been recorded with the county Division of Records;
- (1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall specify that it is not lawful to use the acreage of the subject tract to qualify another tract for the siting of a dwelling;
  - (2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;
  - (3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

#### **11.WH.2052 Template and Heritage Tract Dwellings**

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

- (1) The lot or lots in the tract shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;
- (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent ~~County Maintained~~ **public or private** road **serving two or more properties** and ~~200~~ **130** feet to all other property lines. ~~Variances~~ **Exceptions** to this standard shall be pursuant to MCC ~~.8505 through .8525~~ **.2075**, as applicable;
- (3) The tract shall meet the following standards:
  - (a) The tract shall be composed primarily of soils which are capable of producing 0

to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

- (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
  - (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
- (b) The tract shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and
- (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
  - (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
- (c) The tract shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and
- (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
  - (ii) At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square.
- (d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.
- (e) There is no other dwelling on the tract,
- (f) No other dwellings are allowed on other lots (or parcels) that make up the tract;
- (g) Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
- (h) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
- (4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in



the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.

- (5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:
  - (a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (7) The dwelling meets the applicable development standards of MCC .2074;
- (8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;
  - (a) The covenants, conditions and restrictions shall specify that:
    - (i) All lots (or parcels) that are part of the tract shall be precluded from all

future rights to site a dwelling; and

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

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

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

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

**(1) On a tract:**

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

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

**(c) That is located within 1,500 feet of a public road as defined under ORS 368.001.**

**(i) The road shall be maintained and either paved or surfaced with rock, and**

**(ii) The road shall not be a U.S. Forest Service road or Bureau of Land Management road.**

**(d) For which deeds or other instruments creating the lots or parcels were recorded with the Department of General Services, or were in recordable form prior to January 1, 1985; and**

**(e) That is comprised of lots or parcels that were lawfully created; and**

**(f) That was acquired by the present owner:**

**(i) Prior to January 1, 1985; or**

**(ii) By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.**

**(iii) For purposes of this subsection, "antecedent" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of**

the owner or a business entity owned by any one or combination of these family members.

- (2) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
- (3) When the tract on which the dwelling will be sited consists of more than one lot or parcel, the remaining lots or parcels shall be consolidated into a single lot or parcel prior to the issuance of any development permits.
- (4) Prior to the issuance of any development permits the owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:

  - (a) The Transportation and Land Use Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved;
  - (b) The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (c) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (5) The dwelling meets the applicable standards of MCC .2074.

#### 11.WH.2053 Use Compatibility Standards

Specified uses of MCC.2050(~~CD~~), and (~~DE~~), and (~~F~~), .2054(C), and .2056 may be allowed upon a finding that:

- (A) The use will:

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;
  - (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and
- (B) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

#### **11.WH.2054 Accessory Uses**

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

- (A) Signs, pursuant to the provisions of MCC 11.1 5.7902-.7982;
- (B) Off-street parking and loading as required by MCC .6100 through .6148;
- (C) Type A home occupations pursuant to the definition and restrictions of MCC .0010. and .2053. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and
- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

#### **11.WH.2056 Temporary Uses**

- (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2053 and .871 0.
- (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053.
- (C) A mobile home during the construction or reconstruction of a residence allowed under MCC .2048(D) or (E), .2049(B), or .2050(A), (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling.

#### **11.WH.2058 Dimensional Requirements**

- (A) Except as provided in MCC .2060, .20619 .2062, and .2064, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

(C) Minimum Forest Practices Setback Yard Dimensions from tract boundary – Feet:

<del>Frontage on</del> <del>County Main-</del> <del>tained-</del> Road Frontage	Other Front	Side	Rear
60 <u>from</u> <u>centerline</u> <u>of road from</u> <u>which access</u> <u>is gained</u>	<del>200</del> <u>130</u>	<del>200</del> <u>130</u>	<del>200</del> <u>130</u>

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

~~These Forest practices setback yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances~~ Exceptions to dimensional standards forest practices setback dimensions shall be pursuant to MCC .8505 through .8525 11.15.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.15.2074(A)(5)(c)(ii).

- (D) ~~To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling.~~
- (E) The minimum forest practices setback 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.
- (F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.
- (G) Yards for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B) need not satisfy the development standards of MCC .2074 if originally legally established to a lesser standard than that required by MCC .2074, but in no case shall they be less than those originally established.
- (H) Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2048(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2074(A)(5)(c)(ii).

## **11.WH.2060 Lots of Exception**

The Planning Director may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A) subject to the following:

- (A) The Lot of Record to be divided exceeds the area requirements of MCC .2058(A);
- (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (C) The Lot of Exception will be no larger than 5 acres;
- (D) The division will create no more than one lot which is less than the minimum area required in MCC.2058(A);
- (E) The division complies with the dimensional requirements of MCC .2058 (C) through (F); and
- (F) The parcel not containing the dwelling is not entitled to a dwelling.
  - (1) A condition of approval shall require that covenants, conditions and restrictions stating that requirement shall be recorded with the county Division of Records.
  - (2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

## **11.WH.2061 Lot Line Adjustment**

- (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:
  - (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
  - (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
  - (3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C) through (E); and
  - (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

## **11.WH.2062 Lot of Record**

(A) For the purposes of this district, a Lot of Record is

(1) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;
- (b) Which satisfied all applicable laws when the parcel was created; and
- (c) Which satisfies the minimum lot size requirements of MCC .2058, or

(2) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcel was created;
- (c) Does not meet the minimum lot size requirements of MCC .2058; and
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcels were created;
- (c) Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and
- (d) Which are held under the same ownership.

(B) For the purposes of this subsection:

- (1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;
- (2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size

requirements of MCC .2058; and

- (3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.
- (C) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- (D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:
  - (1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.
  - (2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.
  - (3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.
  - (4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

#### **11.WH.2064 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.

#### **11.WH.2066 Off-Street Parking and Loading**

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .61 00 through .6148.

#### **11.WH.2068 Access**

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



## **11.WH.2070 Exemptions From Non-Conforming Use Provisions**

- (A) Conditional Uses listed in MCC .2050, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805 through .8810, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .2050.
- (B) The term "change of use", as used in this section, means the change from one Conditional Use listed in MCC .2050 to another such Conditional Use.

## **11.WH.2072 Right to Complete Single-Family Dwelling**

- (A) A single family dwelling may be completed under the provisions of a building permit issued prior to ~~January 7, 1993~~ **(effective date)**.
  - (1) The building permit shall be subject only to the regulations in effect **at the time of issuance** ~~prior to January 7, 1993~~.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (B) A building permit for a new single family dwelling may be issued up to 180 days after January 7 1993 if approval from the Planning Director was obtained on a building permit application prior to January 7, 1993.
  - (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (C) A building permit for a new single family dwelling may be issued up to two years after January 7, 1993 if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to January 7, 1993.
  - (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
  - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until January 7, 1993.
- (D) A building permit for a new single family dwelling may be issued after January 7, 1993

for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to January 7, 1993 if the approval has not expired pursuant to MCC .7110(C).

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
- (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

#### **11.WH.2074 Development Standards for Dwellings and Structures**

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);
- (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
- (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and
- (5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:
  - (a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;
  - (b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;
  - (c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

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

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

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. **The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.15.2058(D) and .2075.**

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

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

(B) The dwelling **or structure** shall:

(1) Comply with the standards of the ~~Uniform Building Code~~ **applicable building code** or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

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

- (3) ~~Have a minimum floor area of 600 square feet;~~
  - (4) Have a fire retardant roof; and
  - (5) Have a spark arrester on each chimney.
- (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.
- (1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
  - (2) Evidence of a domestic water supply means:
    - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
    - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
    - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:
- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
  - (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
  - (3) Provide minimum curve radii of 48 feet or greater;
  - (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
  - (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
    - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for

grades exceeding 6 percent;

- (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
  - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road;  
or
  - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

**11.WH.2075 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

**(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2075(B) when:**

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or**
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties including the subject site; or**
- (3) The proposed dwelling or structure is intended to be located within 130 feet of a legally existing dwelling or structure as allowed under MCC .2058(D).**

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or**
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and**
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and**

- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2075(B)(1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2075(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2048(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2074(C)(4) above.
- (6) All accessory structures within the fire safety zone setbacks required by MCC .2074 shall have a central monitored alarm system.
- (7) All accessory structures within 50 of a building containing shall:
- (a) Have a central monitored alarm system;
  - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a decending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

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

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 fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the East of Sandy River Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

**11.ES.2084 Area Affected**

MCC .2082 through .2115 shall apply to those lands designated CFU-1 on the Multnomah County Zoning Map.

**11.ES.2085 Definitions**

As used in MCC .2082 through .2115, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) Auxiliary - For the purposes of MCC .2088(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.
- (B) Campground - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- (C) Commercial Tree Species - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.
- (D) Cubic Foot Per Acre - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) Cubic Foot Per Tract Per Year - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining produc-

tivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

- (F) Date of Creation and Existence - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2102 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- (G) Forest Operation - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).
- (H) Tract - One or more contiguous Lots of Record, pursuant to MCC .2102, in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

#### **11.ES.2086 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 uses listed in MCC .2088 through .2096.

#### **11.ES.2088 Uses Permitted Outright**

- (A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:
  - (1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
  - (2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or
  - (3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;
- (B) A temporary portable facility for the primary processing of forest products;
- (C) Farm use, as defined in ORS 215.203;
- (D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling subject to the following:
  - (1) The existing dwelling
    - (a) Has intact exterior walls and roof structures;



- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Has interior wiring for interior lights; and
    - (d) Has a heating system.
  - (2) Satisfies the dimensional standards of MCC .2058; and
  - (3) Satisfies the development standards of MCC .2074(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.
- (E) Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:
- (1) The replacement dwelling will be located within 200 feet of the existing dwelling; and
  - (2) The existing dwelling:
    - (a) Has intact exterior walls and roof structures;
    - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Has interior wiring for interior lights;
    - (d) Has a heating system;
    - (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and
  - (3) The replacement dwelling shall satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.
- (F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;
- (G) An uninhabitable structure accessory to fish and wildlife enhancement;
- (H) A caretaker residence for a public park or a fish hatchery;
- (I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

- (J) Climbing and passing lanes within the right of way existing as of July 1, 1987;
- (K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;
- (L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- (M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- (N) A lookout tower for forest fire protection;
- (O) A water intake facility, canal and distribution lines for farm irrigation and ponds;
- (P) A temporary forest labor camp;
- (Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (R) Exploration for geothermal resources;
- (S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

#### **11.ES.2089 Uses Permitted Under Prescribed Conditions**

- (A) Replacement of an existing lawfully established single family dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:
  - (1) The existing dwelling:
    - (a) Has intact exterior walls and roof structures;
    - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Has interior wiring for interior lights;
    - (d) Has a heating system; and
    - (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

- (2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC .2098 location meets and the development standards of MCC .2114.
- (B) Restoration or replacement of a lawfully established single family dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:
  - (1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and
  - (2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC .2098 and the development standards of MCC .2114.
  - (3) The existing dwelling at the time of the fire, casualty, or natural disaster:
    - (a) Had intact exterior Walls and roof structures;
    - (b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Had interior wiring for interior lights; and
    - (d) Had a heating system.

#### **11.ES.2090 Conditional Uses**

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

- (A)
- (B)
- (C) The following Community Service Uses pursuant to the provisions of MCC .2093, .2114, .7005 through .7015, and .7035 through .7072.
  - (1) Campground.
  - (2) Cemetery.
  - (3) Fire station for rural and forest fire protection.
  - (4) Aid to navigation and aviation.
  - (5) Water intake facility, related treatment facility, pumping station, and distribution line.

- (6) Reservoir and water impoundment.
  - (7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.210.
  - (8) Forest management research and experimentation facility as defined by ORS 526.215.
  - (9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.
  - (10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
  - (11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.
  - (12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
  - (13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.
  - (14) Private hunting and fishing operation without any lodging accommodations.
  - (15) Private seasonal accommodations for a fee hunting operation or fishing, provided:
    - (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;
    - (b) Only minor incidental and accessory retail sales are permitted;
    - (c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
    - (d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.
  - (16) Mining, processing and production of geothermal resources.
- (D) The following uses pursuant to the provisions of MCC .2093, .2114, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.

- (1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;
  - (2) Permanent facility for the primary processing of forest products;
  - (3) Permanent logging equipment repair and storage;
  - (4) Log scaling and weigh stations;
  - (5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
  - (6) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
  - (7) Improvement of public roads and highway related facilities, such as maintenance yards,  
weigh stations and rest areas, where additional property or right of way is required but not  
resulting in the creation of new land parcels; and
  - (8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.
- (E) Type B home occupations pursuant to MCC 11.15.7455 through .7465 and provided:
- (1) That no sale of merchandise is made from the premise; and
  - (2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

#### **11.ES.2091**

#### **11.ES.2092**

#### **11.ES.2093 Use Compatibility Standards**

Specified uses of MCC.2090(C) and (D) and .2096 may be allowed upon a finding that:

(A) The use will:

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;
- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

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

#### **11.ES.2094 Accessory Uses**

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

- (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982;
- (B) Off-street parking and loading as required by MCC .6100 through .6148;
- (C) Type A home occupations pursuant to the definition and restrictions of MCC .0010 and .2093. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and
- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

#### **11.ES.2096 Temporary Uses**

- (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2093 and .8710.
- (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2093.
- (C) A mobile home during the construction or reconstruction of a residence allowed under MCC .2048(D) or (E), .2049(B), or .2050(A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling.

#### **11.ES.2098 Dimensional Requirements**

- (A) Except as provided in MCC .2100, .2101, .2102, and .2104, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

**(C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:**

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

**Maximum Structure Height - 35 feet**

**Minimum Front Lot Line Length - 50 feet.**

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.ES.2115, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.ES.2114(A)(5)(c)(ii).

**(D)**

**(E)** The minimum forest practices setback 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.

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

**(G)** Yards for the alteration, replacement or restoration of dwellings under MCC .2088(D), .2088(E) and .2089 (B) need not satisfy the development standards of MCC .2114 if originally legally established to a lesser standard than that required by MCC .2114, but in no case shall they be less than those originally established.

**(H)** Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2088(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2114(A)(5)(c)(ii).

**11.ES.2100**

**11.ES.2101 Lot Line Adjustment**

**(A)** The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC .2098 (C) through (E); and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

#### **11.ES.2102 Lot of Record**

(A) For the purposes of this district, a Lot of Record is:

(1) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;
- (b) Which satisfied all applicable laws when the parcel was created; and
- (c) Which satisfies the minimum lot size requirements of MCC .2098, or

(2) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcel was created;
- (c) Does not meet the minimum lot size requirements of MCC .2098; and
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcels were created;



(c) Which individually do not meet the minimum lot size requirements of MCC .2098, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) For the purposes of this subsection:

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

(2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2098; and

(3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

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

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2098(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.

(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.

(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.

(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

#### **11.ES.2104 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC .2098(A) may be created for the uses listed in MCC .2088(S) and .2090(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2093 and based upon:

(A) A finding that the new lot is the minimum site size necessary for the proposed use;

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

(C) Consideration of the purposes of this district.

#### **11.ES.2106 Off-Street Parking and Loading**

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .6100 through .6148.

#### **11.ES.2108 Access**

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

#### **11.ES.2110 Exemptions From Non-Conforming Use Provisions**

(A) Conditional Uses listed in MCC .2090, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805 through .8810, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .2090.

(B) The term "change of use", as used in this section, means the change from one Conditional Use listed in MCC .2090 to another such Conditional Use.

#### **11.ES.2112 Right to Complete Single-Family Dwelling**

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to (effective date).

(1) The building permit shall be subject only to the regulations in effect at the time of issuance.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after January 7, 1993 if approval from the Planning Director was obtained on a building permit application prior to January 7, 1993.

(1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after January 7, 1993 if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the

applicable Use Under Prescribed Conditions provisions of MCC .2090(A) or MCC .2170(A) in effect prior to January 7, 1993.

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
  - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until January 7, 1993.
- (D) A building permit for a new single family dwelling may be issued after January 7, 1993 for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2092(C) or MCC .2172(C) in effect prior to January 7, 1993 if the approval has not expired pursuant to MCC .7110(C).
- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
  - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

#### **11.ES.2114 Development Standards for Dwellings and Structures**

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2088(D), .2088(E) and .2089 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

- (A) The dwelling or structure shall be located such that:
- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2098(C) through (G);
  - (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
  - (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property

and is the minimum length required; and

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

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2114(D) with permanent signs posted along the access route to indicate the location of the emergency water source;

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

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

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

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.ES.2098(D) and .2115.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

- (v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

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

(B) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;
- (3)
- (4) Have a fire retardant roof; and
- (5) Have a spark arrester on each chimney.

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

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

(2) Evidence of a domestic water supply means:

- (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
- (b) A water use permit issued by the Water Resources Department for the use described in the application; or
- (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification

of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

- (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
- (3) Provide minimum curve radii of 48 feet or greater;
- (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
- (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
  - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
  - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
  - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
  - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

#### **11.ES.2115 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2115(B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure as allowed under MCC .2098(D).

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2115(B)(1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2115(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2088(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2074(C)(4) above.
- (6) All accessory structures within the fire safety zone setbacks required by MCC .2114, and all accessory structures within 50 of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 of a building:
  - (a) Have a central monitored alarm system;
  - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

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

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 fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the East of Sandy River Rural Area Plan; and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

#### 11.ES.2044 Area Affected

MCC .2042 through .2074~~5~~ shall apply to those lands designated CFU-~~4~~ on the Multnomah County Zoning Map.

#### 11.ES.2045 Definitions

As used in MCC .2042 through .2074~~5~~, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) *Auxiliary* - For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.
- (B) *Campground* - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- (C) *Commercial Tree Species* - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.
- (D) *Cubic Foot Per Acre* - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) *Cubic Foot Per Tract Per Year* - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining produc-



tivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

(F) *Date of Creation and Existence* - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2062 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

(G) *Forest Operation* - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

(H) *Heritage Tract* - A tract of land that was acquired by the present owner:

(1) Prior to January 1, 1985; or

(2) By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.

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

(I) *Tract* - One or more contiguous Lots of Record, pursuant to MCC .2062, in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

#### **11.ES.2046 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 uses listed in MCC .2048 through .2056.

#### **11.ES.2048 Uses Permitted Outright**

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

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

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited

to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

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

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

(D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling that subject to the following:

(1) ~~Has intact exterior walls and roof structures;~~ The existing dwelling

(a) Has intact exterior walls and roof structures;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights; and

(d) Has a heating system.

(2) ~~Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~ Satisfies the dimensional standards of MCC .2058; and

(3) ~~Has interior wiring for interior lights; and~~ Satisfies the development standards of MCC .2074(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.

~~(4) Has a heating system.~~

(E) Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling:

(a) Has intact exterior walls and roof structures;

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Has interior wiring for interior lights;

(d) Has a heating system; ~~and~~

- (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

**(3) The replacement dwelling shall satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.**

- (F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;
- (G) An uninhabitable structure accessory to fish and wildlife enhancement;
- (H) A caretaker residence for a public park or a fish hatchery;
- (I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- (J) Climbing and passing lanes within the right of way existing as of July 1, 1987;
- (K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;
- (L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- (M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- (N) A lookout tower for forest fire protection;
- (O) A water intake facility, canal and distribution lines for farm irrigation and ponds;
- (P) A temporary forest labor camp;
- (Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (R) Exploration for geothermal resources;
- (S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

## **11.ES.2049 Uses Permitted Under Prescribed Conditions**

(A) Replacement of an existing lawfully established single family dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling:

- (a) Has intact exterior walls and roof structures;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights;
- (d) Has a heating system; and
- (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC .2058 ~~location meets and~~ the development standards of MCC .2074.

(B) Restoration or replacement of a lawfully established single family dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall ~~be subject to~~ satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.

(3) The existing dwelling at the time of the fire, casualty, or natural disaster:

- (a) Had intact exterior Walls and roof structures;
- (b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Had interior wiring for interior lights; and
- (d) Had a heating system.

## **11.ES.2050 Conditional Uses**

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

(A) A Large Acreage Dwelling pursuant to the provisions of MCC.2051, .2053(B) and .2074.

(B) A Template Dwelling pursuant to the provisions of MCC .2052(A), .2053(B) and .2074.

(C) A Heritage Tract Dwelling pursuant to the provisions of MCC .2052(B), .2053(B) and .2074.

(D) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through .7072.

- (1) Campground.
- (2) Cemetery.
- (3) Fire station for rural and forest fire protection.
- (4) Aid to navigation and aviation.
- (5) Water intake facility, related treatment facility, pumping station, and distribution line.
- (6) Reservoir and water impoundment.
- (7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.210.
- (8) Forest management research and experimentation facility as defined by ORS 526.215.
- (9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.
- (10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- (11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.
- (12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- (13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings

necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.

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

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

- (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;
- (b) Only minor incidental and accessory retail sales are permitted;
- (c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
- (d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

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

~~(DE)~~ The following uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.

- (1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;
- (2) Permanent facility for the primary processing of forest products;
- (3) Permanent logging equipment repair and storage;
- (4) Log scaling and weigh stations;
- (5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- (6) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- (7) Improvement of public roads and highway related facilities, such as maintenance yards,  
weigh stations and rest areas, where additional property or right of way is required but not  
resulting in the creation of new land parcels; and
- (8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.

(F) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:

- (1) That no sale of merchandise is made from the premise; and
- (2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

#### **11.ES.2051 Large Acreage Dwelling**

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

(A) The lot or lots in the tract meet(s) the lot of record standards of MCC .2062(A) and (B);

(B) ~~The tract contains at least 160 contiguous acres in one ownership zoned for forest use~~  
**property consists of:**

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

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

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

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

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

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

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

- (1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (2) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (H) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995) has been recorded with the county Division of Records;
- (1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall specify that it is not lawful to use the acreage of the subject tract to qualify another tract for the siting of a dwelling;
  - (2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;
  - (3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

#### **11.ES.2052    Template and Heritage Tract Dwellings**

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

- (1) The lot or lots in the tract shall meet the lot of record standards of MCC .2062(A) or (E), and (B) and have been lawfully created prior to January 25, 1990;
- (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent ~~County Maintained~~ **public or private** road **serving two or more properties** and ~~200~~ **130** feet to all other property lines. ~~Variances~~ **Exceptions** to this standard shall be pursuant to MCC ~~.8505 through .8525~~ **.2075**, as applicable;



(3) The tract shall meet the following standards:

- (a) The tract shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and
  - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
  - (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
- (b) The tract shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and
  - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
  - (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
- (c) The tract shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and
  - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
  - (ii) At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square.
- (d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.
- (e) There is no other dwelling on the tract,
- (f) No other dwellings are allowed on other lots (or parcels) that make up the tract;
- (g) Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
- (h) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;

- (4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:
  - (a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (7) The dwelling meets the applicable development standards of MCC .2074;
- (8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;

- (a) The covenants, conditions and restrictions shall specify that:
  - (i) All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
  - (ii) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
- (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;
- (c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

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

**(1) On a tract:**

- (a) That is not developed with a single family residence, and**
- (b) That is not capable of producing 5,000 cubic feet per year of commercial tree species based on soil type, and**
- (c) That is located within 1,500 feet of a dedicated public right-of-way.**
  - (i) The public right-of-way shall be maintained to the standards set forth in the County Right-of-Way Access Permit, and**
  - (ii) The public right-of-way shall not be a U.S. Forest Service road or Bureau of Land Management road.**
- (d) For which deeds or other instruments creating the lots or parcels were recorded with the Department of General Services, or were in recordable form prior to January 1, 1985; and**
- (e) That is comprised of lots or parcels that were lawfully created; and**
- (f) That was acquired by the present owner:**
  - (i) Prior to January 1, 1985; or**
  - (ii) By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.**
  - (iii) For purposes of this subsection, "antecedent" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-**

in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

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

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

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

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

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

(c) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;

(5) The dwelling meets the applicable development standards of MCC .2074.

#### **11.ES.2053 Use Compatibility Standards**

(A) Specified uses of MCC.2050(~~ED~~), and (~~DE~~), and (F), .2054(C), and .2056 may be allowed upon a finding that:

~~(A)~~ The use will:

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;
- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and
- (3) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

**(B) Single family dwellings as specified in MCC .2050 (A), (B) and (C) may be allowed upon a finding that they will not significantly impact open space, public facilities, wildlife habitat, and rural community character.**

#### **11.ES.2054 Accessory Uses**

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

- (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982;
- (B) Off-street parking and loading as required by MCC .6100 through .6148;
- (C) Type A home occupations pursuant to the definition and restrictions of MCC .0010 and .2053. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and
- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

#### **11.ES.2056 Temporary Uses**

- (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2053 and .8710.
- (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053.
- (C) A mobile home for a period not to exceed two years when in conjunction with the construction or reconstruction of a residence allowed under MCC .2048(D) or (E), .2049(B), or .2050(A), (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use which satisfies all applicable dimensional and locational standards within three months of the completion of the dwelling.**

## 11.ES.2058 Dimensional Requirements

- (A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.
- (C) Minimum Forest Practices Setback ~~Yard~~ Dimensions From Tract Boundary— Feet:

<del>Frontage on</del> <del>County Main—</del> <del>tained—</del> Road Frontage	Other Front	Side	Rear
60 <u>from</u> <u>centerline</u> <u>of road from</u> <u>which access</u> <u>is gained</u>	200 <u>130</u>	200 <u>130</u>	200 <u>130</u>

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

~~These Forest practices setback yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances~~ Exceptions to dimensional standards forest practices setback dimensions shall be pursuant to MCC .8505 through .8525 11.15.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.15.2074(A)(5)(c)(ii).

- (D) ~~To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling.~~
- (E) The minimum forest practices setback ~~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.
- (F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.
- (G) Yards for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B) need not satisfy the development standards of MCC .2074 if originally legally established to a lesser standard than that required by MCC .2074, but in no case shall they be less than those originally established.

**(H) Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2048(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2074(A)(5)(c)(ii).**

#### **11.ES.2060 Lots of Exception**

The Planning Director may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A) subject to the following:

- (A) The Lot of Record to be divided exceeds the area requirements of MCC .2058(A);
- (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (C) The Lot of Exception will be no larger than 5 acres;
- (D) The division will create no more than one lot which is less than the minimum area required in MCC.2058(A);
- (E) The division complies with the dimensional requirements of MCC .2058 (C) through (F); and
- (F) The parcel not containing the dwelling is not entitled to a dwelling.
  - (1) A condition of approval shall require that covenants, conditions and restrictions stating that requirement shall be recorded with the county Division of Records.
  - (2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

#### **11.ES.2061 Lot Line Adjustment**

- (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:
  - (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
  - (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
  - (3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C) through (E); and

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

**11.ES.2062 Lot of Record**

(A) For the purposes of this district, a Lot of Record is

(1) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;
- (b) Which satisfied all applicable laws when the parcel was created; and
- (c) Which satisfies the minimum lot size requirements of MCC .2058, or

(2) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcel was created;
- (c) Does not meet the minimum lot size requirements of MCC .2058; and
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcels were created;
- (c) Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and
- (d) Which are held under the same ownership.

(B) For the purposes of this subsection:

- (1) Contiguous refers to parcels of land which have any common boundary, excepting a



single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;

- (2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and
  - (3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.
- (C) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- (D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:
- (1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.
  - (2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.
  - (3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.
  - (4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

**(E) Dis-aggregation of Lots of Record existing on or before (effective date of ordinance)**

**(1) A Lot of Record may be dis-aggregated for consideration of a new dwelling under MCC .2052 if:**

**(a) It consists of two legally created, aggregated lots or parcels and:**

- (i) The dis-aggregation occurs along existing lot or parcel lines without creating any new lots or parcels;**
- (ii) One of the lots or parcels is currently developed with a legally established dwelling;**
- (iii) The lot or parcel on which application will be made for the new dwelling is less than 19 acres; and**
- (iv) The lots or parcels constituting the Lot of Record were owned by the current owner prior to January 1, 1985.**

**(b) It consists of three or more lots or parcels and:**

**(i) Only one lot of less than 19 acres shall be dis-aggregated;**

**(ii) The remaining lots or parcels shall be combined into a single lot; and**

**(iii) The dis-aggregation occurs along existing lot or parcel lines without creating any new lots or parcels;**

**(iv) One of the lots or parcels is currently developed with a legally established dwelling;**

**(v) The lot or parcel on which application will be made for the new dwelling is less than 19 acres; and**

**(vi) The lots or parcels constituting the Lot of Record were owned by the current owner prior to January 1, 1985.**

**(2) A property that was originally a portion of a Lot of Record that would otherwise satisfy the standards of (E)(1) above, but has subsequently been legally transferred to another owner, may be developed with a single family dwelling if found to satisfy the standards of MCC 11.15.2052(A) or (B).**

#### **11.ES.2064 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

(A) A finding that the new lot is the minimum site size necessary for the proposed use;

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

(C) Consideration of the purposes of this district.

#### **11.ES.2066 Off-Street Parking and Loading**

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .61 00 through .6148.

#### **11.ES.2068 Access**

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

## **11.ES.2070 Exemptions From Non-Conforming Use Provisions**

(A) Conditional Uses listed in MCC .2050, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805 through .8810, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .2050.

(B) The term "change of use", as used in this section, means the change from one Conditional Use listed in MCC .2050 to another such Conditional Use.

## **11.ES.2072 Right to Complete Single-Family Dwelling**

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to ~~January 7, 1993~~ (effective date).

(1) The building permit shall be subject only to the regulations in effect at the time of issuance ~~prior to January 7, 1993~~.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after January 7, 1993 if approval from the Planning Director was obtained on a building permit application prior to January 7, 1993.

(1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after January 7, 1993 if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to January 7, 1993.

(1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

(D) A building permit for a new single family dwelling may be issued after January 7, 1993

for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to January 7, 1993 if the approval has not expired pursuant to MCC .7110(C).

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
- (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

#### **11.ES.2074 Development Standards for Dwellings and Structures**

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);
- (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
- (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and
- (5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:
  - (a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;
  - (b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;
  - (c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

- (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.
- (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

- (iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.15.2058(D) and .2075.

- (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

- (v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

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

(B) The dwelling or structure shall:

- (1) Comply with the standards of the ~~Uniform Building Code~~ applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

- (3) ~~Have a minimum floor area of 600 square feet;~~
  - (4) Have a fire retardant roof; and
  - (5) Have a spark arrester on each chimney.
- (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.
- (1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
  - (2) Evidence of a domestic water supply means:
    - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
    - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
    - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:
- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
  - (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
  - (3) Provide minimum curve radii of 48 feet or greater;
  - (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
  - (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
    - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for

grades exceeding 6 percent;

- (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
  - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
  - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

**11.ES.2075 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

**(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2075(B) when:**

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or**
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or**
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure as allowed under MCC .2058(D).**

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or**
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and**
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and**
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2075(B)(1) are utilized, or**

- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC ,2075(C)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC ,2048(D) shall not be required to meet this standard, but shall satisfy the standard of MCC ,2074(C)(4) above.
- (6) All accessory structures within the fire safety zone setbacks required by MCC ,2074, and all accessory structures within 50 of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 of a building shall:
- (a) Have a central monitored alarm system;
  - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT C**

**Amendment of Commercial Forest Use District for Areas not Covered by the  
West Hills or East of Sandy River Rural Area Plan**

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 fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

**11.15.2044 Area Affected**

MCC .2042 through .2074~~5~~ shall apply to those lands designated CFU on the Multnomah County Zoning Map.

**11.15.2045 Definitions**

As used in MCC .2042 through .2074~~5~~, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) *Auxiliary* - For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.
- (B) *Campground* - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- (C) *Commercial Tree Species* - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.
- (D) *Cubic Foot Per Acre* - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) *Cubic Foot Per Tract Per Year* - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved

by the Department of Forestry.

(F) *Date of Creation and Existence* - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2062 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

(G) *Forest Operation* - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

(H) *Tract* - One or more contiguous Lots of Record, pursuant to MCC .2062, in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

#### **11.15.2046 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 uses listed in MCC .2048 through .2056.

#### **11.15.2048 Uses Permitted Outright**

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

- (1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
- (2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or
- (3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

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

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

(D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling that subject to the following:

(1) ~~Has intact exterior walls and roof structures;~~ The existing dwelling

(a) Has intact exterior walls and roof structures;

**(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**

**(c) Has interior wiring for interior lights; and**

**(d) Has a heating system.**

**(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; Satisfies the dimensional standards of MCC .2058; and**

**(3) Has interior wiring for interior lights; and Satisfies the development standards of MCC .2074(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.**

**(4) Has a heating system.**

**(E) Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:**

**(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and**

**(2) The existing dwelling:**

**(a) Has intact exterior walls and roof structures;**

**(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;**

**(c) Has interior wiring for interior lights;**

**(d) Has a heating system; and**

**(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and**

**(3) The replacement dwelling shall satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.**

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

**(G) An uninhabitable structure accessory to fish and wildlife enhancement;**

**(H) A caretaker residence for a public park or a fish hatchery;**

- (I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- (J) Climbing and passing lanes within the right of way existing as of July 1, 1987;
- (K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;
- (L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- (M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- (N) A lookout tower for forest fire protection;
- (O) A water intake facility, canal and distribution lines for farm irrigation and ponds;
- (P) A temporary forest labor camp;
- (Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (R) Exploration for geothermal resources;
- (S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

#### **11.15.2049 Uses Permitted Under Prescribed Conditions**

- (A) Replacement of an existing lawfully established single family dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:
  - (1) The existing dwelling:
    - (a) Has intact exterior walls and roof structures;
    - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - (c) Has interior wiring for interior lights;
    - (d) Has a heating system; and

(e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC .2058 ~~location meets~~ and the development standards of MCC .2074.

(B) Restoration or replacement of a lawfully established single family dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall ~~be subject to~~ satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.

(3) The existing dwelling at the time of the fire, casualty, or natural disaster:

(a) Had intact exterior Walls and roof structures;

(b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(c) Had interior wiring for interior lights; and

(d) Had a heating system.

#### **11.15.2050 Conditional Uses**

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

(A) A Large Acreage Dwelling pursuant to the provisions of MCC.2051 and .2074.

(B) A Template Dwelling pursuant to the provisions of MCC .2052(A), and .2074.

(C) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through .7072.

(1) Campground.

(2) Cemetery.

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

(4) Aid to navigation and aviation.

- (5) Water intake facility, related treatment facility, pumping station, and distribution line.
- (6) Reservoir and water impoundment.
- (7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.21 0.
- (8) Forest management research and experimentation facility as defined by ORS 526.215.
- (9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.
- (10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- (11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.
- (12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- (13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.
- (14) Private hunting and fishing operation without any lodging accommodations.
- (15) Private seasonal accommodations for a fee hunting operation or fishing, provided:
  - (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;
  - (b) Only minor incidental and accessory retail sales are permitted;
  - (c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  - (d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

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

(D) The following uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.

(1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;

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

(3) Permanent logging equipment repair and storage;

(4) Log scaling and weigh stations;

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

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

(7) Improvement of public roads and highway related facilities, such as maintenance yards,

weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and

(8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.

(F) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:

(1) That no sale of merchandise is made from the premise; and

(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

#### **11.15.2051 Large Acreage Dwelling**

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

(A) The lot or lots in the tract meet(s) the lot of record standards of MCC .2062(A) and (B);

(B) ~~The tract contains at least 160 contiguous acres in one ownership zoned for forest use~~  
**property consists of:**

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



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

- (C) There is no other dwelling on the tract and no other dwellings are allowed on other lots (or parcels) that make up the tract,
- (D) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (E) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (F) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (G) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:
  - (1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - (2) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (H) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules

(OAR), Chapter 660, Division 6 (December, 1995) has been recorded with the county Division of Records;

- (1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall specify that it is not lawful to use the acreage of the subject tract to qualify another tract for the siting of a dwelling;
- (2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;
- (3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

#### **11.15.2052    Template Dwellings**

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

- (1) The lot or lots in the tract shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;
- (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent ~~County Maintained~~ public or private road serving two or more properties and ~~200~~ 130 feet to all other property lines. ~~Variances~~ Exceptions to this standard shall be pursuant to MCC ~~.8505 through .8525~~ .2075, as applicable;
- (3) The tract shall meet the following standards:
  - (a) The tract shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and
    - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
    - (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
  - (b) The tract shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and
    - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

- (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
  - (c) The tract shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and
    - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
    - (ii) At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square.
  - (d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.
  - (e) There is no other dwelling on the tract,
  - (f) No other dwellings are allowed on other lots (or parcels) that make up the tract;
  - (g) Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
  - (h) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
- (4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:
- (a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

- (b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
  - (c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (7) The dwelling meets the applicable development standards of MCC .2074;
- (8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;
- (a) The covenants, conditions and restrictions shall specify that:
    - (i) All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
    - (ii) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
  - (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;
  - (c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

#### **11.15.2053 Use Compatibility Standards**

Specified uses of MCC.2050(C) and (D) and .2056 may be allowed upon a finding that:

(A) The use will:

- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;
- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

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

#### **11.15.2054 Accessory Uses**

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

- (A) Signs, pursuant to the provisions of MCC 11.1 5.7902-.7982;
- (B) Off-street parking and loading as required by MCC .6100 through .6148;
- (C) Type A home occupations pursuant to the definition and restrictions of MCC .0010. and .2053. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and
- (D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

#### **11.15.2056 Temporary Uses**

- (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2053 and .871 0.
- (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053.
- (C) A mobile home during the construction or reconstruction of a residence allowed under MCC .2048(D) or (E), .2049(B), or .2050(A), (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling.

#### **11.15.2058 Dimensional Requirements**

- (A) Except as provided in MCC .2060, .20619 .2062, and .2064, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated

shall be included in calculating the size of such lot.

(C) Minimum Forest Practices Setback Yard Dimensions From Tract Boundary – Feet:

<del>Frontage on</del> County Main- tained- Road Frontage	Other Front	Side	Rear
60 <u>from</u> <u>centerline</u> <u>of road from</u> <u>which access</u> <u>is gained</u>	<del>200</del> <u>130</u>	<del>200</del> <u>130</u>	<del>200</del> <u>130</u>

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

~~These Forest practices setback yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances Exceptions to dimensional standards forest practices setback dimensions shall be pursuant to MCC .8505 through .8525 11.15.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.15.2074(A)(5)(c)(ii).~~

- (D) ~~To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling.~~
- (E) The minimum forest practices setback 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.
- (F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.
- (G) Yards for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B) need not satisfy the development standards of MCC .2074 if originally legally established to a lesser standard than that required by MCC .2074, but in no case shall they be less than those originally established.
- (H) Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2048(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2074(A)(5)(c)(ii).

### **11.15.2060 Lots of Exception**

The Planning Director may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A) subject to the following:

- (A) The Lot of Record to be divided exceeds the area requirements of MCC .2058(A);
- (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (C) The Lot of Exception will be no larger than 5 acres;
- (D) The division will create no more than one lot which is less than the minimum area required in MCC.2058(A);
- (E) The division complies with the dimensional requirements of MCC .2058 (C) through (F); and
- (F) The parcel not containing the dwelling is not entitled to a dwelling.
  - (1) A condition of approval shall require that covenants, conditions and restrictions stating that requirement shall be recorded with the county Division of Records.
  - (2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

### **11.15.2061 Lot Line Adjustment**

- (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:
  - (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
  - (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
  - (3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C) through (E); and
  - (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

## **11.15.2062 Lot of Record**

**(A) For the purposes of this district, a Lot of Record is**

**(1) A parcel of land:**

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;**
- (b) Which satisfied all applicable laws when the parcel was created; and**
- (c) Which satisfies the minimum lot size requirements of MCC .2058, or**

**(2) A parcel of land:**

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;**
- (b) Which satisfied all applicable laws when the parcel was created;**
- (c) Does not meet the minimum lot size requirements of MCC .2058; and**
- (d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or**

**(3) A group of contiguous parcels of land:**

- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;**
- (b) Which satisfied all applicable laws when the parcels were created;**
- (c) Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and**
- (d) Which are held under the same ownership.**

**(B) For the purposes of this subsection:**

- (1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;**
- (2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size**



requirements of MCC .2058; and

- (3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

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

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

- (1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.
- (2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.
- (3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.
- (4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

#### **11.15.2064 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.

#### **11.15.2066 Off-Street Parking and Loading**

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .61 00 through .6148.

#### **11.15.2068 Access**

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

### **11.15.2070 Exemptions From Non-Conforming Use Provisions**

- (A) Conditional Uses listed in MCC .2050, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805 through .8810, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .2050.
- (B) The term "change of use", as used in this section, means the change from one Conditional Use listed in MCC .2050 to another such Conditional Use.

### **11.15.2072 Right to Complete Single-Family Dwelling**

- (A) A single family dwelling may be completed under the provisions of a building permit issued prior to January 7, 1993.
  - (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (B) A building permit for a new single family dwelling may be issued up to 180 days after January 7, 1993 if approval from the Planning Director was obtained on a building permit application prior to January 7, 1993.
  - (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (C) A building permit for a new single family dwelling may be issued up to two years after January 7, 1993 if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to January 7, 1993.
  - (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
  - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
  - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until January 7, 1993.
- (D) A building permit for a new single family dwelling may be issued after January 7, 1993

for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to January 7, 1993 if the approval has not expired pursuant to MCC .7110(C).

- (1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.
- (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

#### **11.15.2074 Development Standards for Dwellings and Structures**

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);
- (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- (3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
- (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and
- (5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:
  - (a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;
  - (b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;
  - (c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

- (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.
- (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

- (iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.15.2058(D) and .2075.
- (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and
- (v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

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

(B) The dwelling or structure shall:

- (1) Comply with the standards of the ~~Uniform Building Code~~ applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

- (3) ~~Have a minimum floor area of 600 square feet;~~
  - (4) Have a fire retardant roof; and
  - (5) Have a spark arrester on each chimney.
- (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.
- (1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
  - (2) Evidence of a domestic water supply means:
    - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
    - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
    - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:
- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
  - (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
  - (3) Provide minimum curve radii of 48 feet or greater;
  - (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
  - (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

- (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
- (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
  - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
  - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

#### **11.15.2075 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

**(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2075(B) when:**

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or**
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or**
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure as allowed under MCC .2058(D).**

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or**
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and**
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and**

- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2075(B)(1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2075(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2048(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2074(C)(4) above.
- (6) All accessory structures within the fire safety zone setbacks required by MCC .2074, and all accessory structures within 50 of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 of a building containing shall:
- (a) Have a central monitored alarm system;
  - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT E**

**Official Zoning Map for the East of Sandy River Rural Plan Area**

[Exhibit E consists of two wall maps (36" X 43" and 36" X 44") on file in the offices of the  
Land Use Planning Division]



## E R R A T A

## CFU-1

- Page 18, .2115(A)(3) — Delete *as allowed under MCC .2098(D)*.
- Page 19, .2115(B)(5) — The reference at the end of the subsection should be to MCC .2115(B)(4), not .2114(C)(4).
- Page 19, .2115(B)(7) — The word *feet* should be inserted after 50.

## CFU-2

- Page 23, .2075(A)(3) — Delete *as allowed under MCC .2058(D)*.
- Page 24, .2075(B)(5) — The reference at the end of the subsection should be to MCC .2075(B)(4), not .2074(C)(4).
- Page 24, .2075(B)(7) — The word *feet* should be inserted after 50 and the word *containing* should be deleted.

## CFU-3

- Page 16, .2115(A)(3) — Delete *as allowed under MCC .2098(D)*.
- Page 17, .2115(B)(5) — The reference at the end of the subsection should be to MCC .2115(B)(4), not .2114(C)(4).
- Page 17, .2115(B)(7) — The word *feet* should be inserted after 50.

## CFU-4

- Page 24, .2075(A)(3) — Delete *as allowed under MCC .2058(D)*.
- Page 25, .2075(B)(5) — The reference at the end of the subsection should be to MCC .2075(B)(4), not .2074(C)(4).
- Page 25, .2075(B)(7) — The word *feet* should be inserted after 50.

## CFU

- Page 21, .2075(A)(3) — Delete *as allowed under MCC .2058(D)*.
- Page 22, .2075(B)(5) — The reference at the end of the subsection should be to MCC .2075(B)(4), not .2074(C)(4).
- Page 22, .2075(B)(7) — The word *feet* should be inserted after 50 and the word *containing* should be deleted.

## SETBACK SUMMARY FOR ACCESSORY STRUCTURES IN OREGON COUNTIES

**For zones coded for resource, forest, timber or farm use only**

This personal research consists of contacting all 36 counties in the state and asking their planning department two basic questions:

- (1) What are your setback requirements for accessory buildings in commercial forest or farm use zoned properties? And,
- (2) How do you deal with the primary and secondary fuel break recommendations by the State?

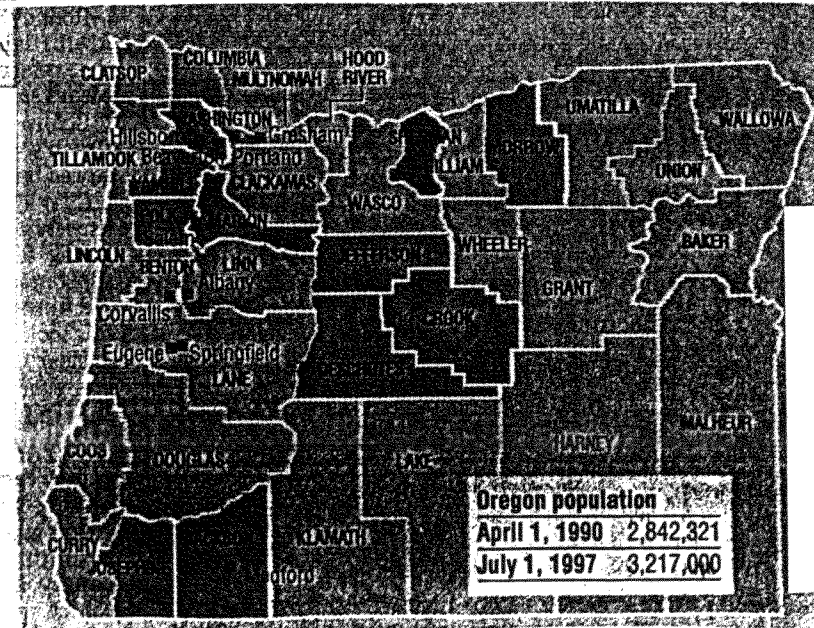
**\* Number of feet structure can be from property line.**

March 1998

* Feet	Front	Side	Rear
5		■ ■ ■ ■ (1 = increase 1' for every 3' building height) 4	■ ■ ■ 3
10		■ ■ ■ ■ ■ ■ ■ ■ ■ ■ 10	■ ■ ■ ■ ■ ■ 6
15		■ ■ 2	■ ■ 2
20	■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ 11	■ ■ ■ ■ ■ ■ ■ 7	■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ 11
25	■ ■ ■ ■ 4	■ ■ ■ ■ ■ ■ ■ ■ 8	■ ■ ■ ■ ■ ■ ■ ■ ■ ■ 9
30	■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ 21	■ ■ ■ ■ ■ ■ ■ ■ ■ ■ 9	■ ■ ■ ■ ■ ■ ■ ■ ■ ■ 9
35	■ (from road centerline) 1		
40	■ ■ ■ ■ 4		
50	■ ■ ■ 3 (1 = from road centerline)	■ 1	■ 1
60	■ 1		
80		■ 1	■ 1
100	■ 1	■ ■ ■ 3	■ ■ ■ 3
130	■ (with fire variances) 1	■ 1	■ 1
200	■ 1	■ ■ 2	■ ■ 2

By Florence Shields

c:\mydocs\files\OR setback sum



# SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN OREGON COUNTIES

4/98

County	City Planning Office & Phone	Zone	Setback Footages			Fire Break Handling & Additional Comments
			Front	Side	Rear	
Baker	Baker City 1-541-523-8219	all zones, even residential	30	10	10	They follow OR Dept of Forestry fire guidelines, but have never run across this question. If adjacent property has 100' fire break extension, that's acceptable.
Benton	Corvallis 1-541-757-6819	FC & EFU	20	20	20	A minimum 30' fire break shall be maintained and approved by local fire protection agency.
Clackamas	Oregon City 650-3366	TBR & AF	30	10	10	Accessory structures are not required to satisfy the Fuel Break Standards.
Clatsop	Astoria 1-503-325-4356	EFU-80	30	30	20	Fuel break maintenance depends what's on land. This issue has never come up so haven't dealt with it. Get advice from fire dept.
		AF-80	30	20	20	
		F-80	30	30	30	
Columbia	St. Helens 1-503-397-1501	Farm & RR	30	5	5	
		PF-76 (primary forest)	130 *	130 *	130 *	* If 10 acres or less, may obtain easement from neighbor to maintain secondary fire break if structure placement closer. Or have added construction in structure to meet additional fire safety codes. County will obtain review & comment from ODF & rural fire district.
Coos	Coquille 1-541-396-3121	EFU	30	30 *	30 *	* If borders another forest zone, <u>zero</u> setbacks if does not. No fuel break issues.
Crook	Prineville 1-541-447-8156	EFU-1,2,3	20 *	20 *	20 *	* 100' if adjacent to intensive forest use land with fuel breaks maintained.
		F-1 (240 acres)	40	25 *	25 *	* (same as for EFU land above).
Curry	Gold Beach 1-541-247-7011	all zones	35 *	5 **	5 **	* from center road line. ** if over 15' high, increase by 6" per 1' in height. Maintaining fire breaks is necessary.

# SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN OREGON COUNTIES

4/98

County	City Planning Office & Phone	Zone	Setback Footages			Fire Break Handling & Additional Comments
			Front	Side	Rear	
Deschutes	Bend 1-541-388-6575	F-1 & F-2	40	25 *	25 *	* 100' setback if adjacent property zoned forest land. A 130' fire break shall be maintained.
Douglas	Roseburg 1-541-440-4289	all Resource zones (forest use)	30	10	10	Owner to contact fire district and sign a Fire Standard Waiver of what's required.
		TR	50	25	25	
Gilliam	Condon 1-541-384-2381	EFU	25	25	25	No forest areas. They do deal with fuel breaks and not addressed in their codes.
Grant	Canyon City 1-541-575-1519	EFU & MUR	30	30	30	They don't get into fire safety, they let the local fire district handle.
Harney	Burns 1-541-573-6655	all zones	20	20	20	In forest use zones a fuel break of 35' primary plus 25' for each 10% slope shall be maintained.
Hood River	Hood River 1-541-387-6840	EFU-80 & range use	50 *	10	20	* from street centerline They use 130' fire break rules, or equivalent fire water use.
Jackson	Medford 1-541-776-7554	EFU, FR- 160, FR	30	30	30	100' fuel break required to be maintained and may extend onto adjoining property with a recorded fuel break easement.
Jefferson	Madras 1-541-475-4462	FM, EFU-80, RR outside UGB	30	15	15	They don't deal with fire breaks. Ask the local fire marshal.
Josephine	Grants Pass 1-541-474-5421	all forest or farm zones	30	30	30	Fire break guidelines are voluntary for owner to follow. No additional setbacks required.
Klamath	Klamath Falls 1-541-883-4200	all forest or farm zones, F & EFU	25	25	25	They don't deal with fire breaks unless in medium-extreme wild fire hazard zone. Then maintain up to a 100' break.
Lake	Lakeview 1-541-947-6032	A-2 & F-1	20	10 *	20	* 50' setback if zoned A-2 & adjacent to FR or RR land. Their codes do not address fire breaks for accessory buildings.

# SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN OREGON COUNTIES

4/98

County	City Planning Office & Phone	Zone	Setback Footages			Fire Break Handling & Additional Comments
			Front	Side	Rear	
Lane	Eugene 1-541-682-3577	EFU & F-1 (resource zones)	20	10	10	No fuel break required for ag/barn buildings, only for homes.
Lincoln	Newport 1-541-265-4192	TC (timber conservation)	20	5 *	10 **	* Increase <u>side</u> by 1' for each 3' of building height. ** Corner lots have 5' <u>rear</u> setback. Fuel breaks for dwellings only, not accessory buildings. Will give variances if property too small to meet.
Linn	Albany 1-541-967-3816	AXP-5, EFU- 80 & F/F-80	30	50	50	No fire breaks for AXP & F/F.
		FCM-80	30	100	100	Must maintain a 10' break for FCM & depends on neighboring zoned property. Will adjust permitted structure setbacks if doesn't fit.
Malheur	Vale 1-541-473-5185	F/F & ag zones (no forest zones in county)	40	15	15	They don't deal with fire setbacks for ag buildings. <i>(mailing info)</i>
Marion	Salem 1-503-588-5038	EFU & TC	20	20	20	30' primary fire breaks shall be maintained.
		F/T (farm & forest timber)*	20	10	30	* Zoned for <u>non</u> -practicing commercial farm and forest use.
		F/T (farming) *	100	100	100	* Zoned for practicing commercial farming use. Fire breaks must be maintained.
		F/T (forest) *	200	200	200	* Zoned for practicing commercial forest use. Fire breaks must be maintained.
Morrow	Heppner 1-541-922-4624	EFU-160 & SF-40	20 *	20 *	25 *	* 100' setbacks if adjacent to intensive agriculture use land.
		FU	20 *	25 *	25 *	* 100' setbacks if adjacent to forest lands.
Multnomah	Portland 248-3043	CFU-80	60	200	200	130' fire break must be maintained
Polk	Dallas 1-503-623-9237	F/F & EFU	30	20	20	Ag buildings are not mandated to meet fire safety codes.
		TC-80	30	80	80	

# SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN OREGON COUNTIES

4/98

County	City Planning Office & Phone	Zone	Setback Footages			Fire Break Handling & Additional Comments
			Front	Side	Rear	
Sherman	Moro 1-541-565-3601	EFU & ag zones	30 *	25	30	* 50' front if next to a major arterial or collector road. They don't deal with fire breaks beyond 50'
Tillamook	Tillamook 1-503-842-3408	F-80	30	30	30	Accessory buildings do not have to meet fire breaks.
Umatilla	Pendleton 1-541-278-6252	EFU & GF	30	5	5	Fire breaks only for GF (grazing farm) zones of 130'.
Union	LaGrande 1-541-963-1014	all ag & forest zones	20	10	10	30' fire setback if forested area, secondary fuel break not enforced. Owners sign-off to adhere to breaks in forested areas only.
Wallowa	Enterprise 1-541-426-4543 ext 25#	EFU, TG (all ag zones)	25	25	25	Timber Grazing zone requires 30' fuel break setback if adjacent to fire hazard materials.
Wasco	The Dalles 1-541-296-5168	F1, F2, EFU, A-1 (ag)	40 *	100 *	100 *	* 50' all sides with variance, otherwise 100-200'. Forest areas will maintain a minimum 30' fuel break.
Washington	Hillsboro 648-8761	EFC, EFU & AF-20	50	10	20	
		AF-5, AF-10 & F-2	30	10	20	Fire regulations are enforced. Can get easement from neighbor to maintain 100' secondary.
Wheeler	Fossil 1-541-763-2126	all farm & timber zones, EFU, ETU	25	25	25	Establish a 30' perimeter fire break around any developed area on forestland. Maintain 30' breaks around all structures. However, they do not deal with this issue.
Yamhill	McMinnville 434-7516	F-80, AF-20, 40, 80 & CT	30 *	30 *	30 *	* 60' if sides adjacent to CT (commercial timberland) properties. Ag buildings not required to meet fire standards.

All information has been provided here to the best of my understanding. It has been gathered from direct phone conversations and written materials received from each county. **Florence Shields, 285-4131**

c:\mydocs\files\OR setbacks FS

*Barred Clerk*

**PAUL NORR**  
ATTORNEY AND COUNSELOR AT LAW  
1020 S.W. TAYLOR STREET, SUITE 530  
**PORTLAND, OREGON 97205-2550**

OF COUNSEL  
**DENISE FRISBEE**

TELEPHONE (503) 228-3862  
FAX (503) 224-1123

June 17, 1998

VIA FAX AND U.S. MAIL

Beverly Stein, Chair  
1120 S.W. Fifth Ave.  
Suite 1515  
Portland, OR 97204-1914

Diane Linn, Commission Dist. 1  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914

Gary Hansen, Commission Dist. 2  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914

Lisa Naito, Commissioner-Elect  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914

Sharron Kelly, Commission Dist. 4  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914

Re: Commission Agenda Item <sup>R-9</sup> 4. for June 18, 1998;  
Hearing Regarding the CFU Zoning District Amendments for  
West Hills

Dear Multnomah County Commissioners:

I represent Karen Anderson, a West Hills resident.

The proposed CFU Amendments would be a major shift in County policy. The old 200 foot yard setback would be reduced to 130 feet, with further reduction of the yard requirement down to only 30 feet solely on the basis of fire safety issues. This ignores the fact that the yard setbacks have historically been intended to protect neighbors from impacts other than just fire safety.

The County Board as recently as February 3, 1998, refused to reduce the 200 foot yard setback requirement for reasons other than fire safety. The Board, in adopting the following statement on page 11 of the Decision as part of their Final Order 98-11 in Case No. HV 13-97 (Shields Horse Barn), found that:

"...there are substantial impacts from having the building located where it is. Fire protection is one. The general activities associated with this facility, even though it may be a structure that

is allowed in the CFU zone, are not allowed this close to the neighbor's property. There are more reasons for the setback than just fire protection. One is concern for the impact on the neighbor. The impact of noise and the activities associated with the use that will take place within the building. The open side of the building that will attract the most activity, is the side that faces Ms. Anderson's property. The hub of the activity associated with the building is on the side of the structure facing the Anderson property. That is where the vehicles and horse trailers will have to come in and where deliveries will be made. There is no information in the record about impacts from the manure pile, the smell from the horses, the general activity, and the noise, all within 64 feet from Ms. Anderson's property."

As the County Board recently said, "There are more reasons for the setback than just fire protection." The existing 200 foot setback should not be thrown out and replaced with only a 30-foot fire safety standard, with no consideration being given to impacts on the neighboring property owner.

Under the new rules, a property owner could locate a commercial horse barn and arena between 30 and 130 feet of a neighbor's house, rather than near their own house. The impacts on the neighbor should not be ignored.

Reduction of the new 130-foot setback down to 30 feet should remain a variance matter so that impacts on the neighbor can properly be reviewed by the Planning Staff and Hearings Officer, as they historically have been.

Respectfully,



Paul Norr

PN:srs

cc: Karen Anderson



Paul Norr  
Attorney and Counselor at Law  
1020 SW Taylor, Suite 530  
Portland, Oregon 97205-2550  
Telephone (503) 228-3862

\* \* \* \* \* TELECOPIER MESSAGE SHEET \* \* \* \* \*

OUR FAX NUMBER: (503) 224-1123  
OUR TELEPHONE NUMBER: (503) 228-3862

TO: BEVERLY STEIN, CHAIR  
FIRM: MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
YOUR FAX #: (503) 248-3093  
DATE: June 18, 1998 Time: 3:00 pm  
FROM: PAUL NORR  
RE: Commission Agenda Item R-9 for June 18, 1998;  
Hearing Regarding the CFU Zoning District  
Amendments for West Hills  
MESSAGE: Please see letter attached.

TOTAL NUMBER OF PAGES INCLUDING THIS COVER LETTER: 3

PLEASE CALL AS SOON AS POSSIBLE IF THERE ARE TRANSMISSION PROBLEMS OR  
IF YOU DO NOT RECEIVE THE CORRECT NUMBER OF PAGES.

CONFIDENTIALITY NOTICE

The materials you have just received may contain information which is confidential or privileged and intended only for the person to whom it is directed. If you are not the intended recipient, please be aware that reading, disclosing or using all or any portion of these materials for any purpose is prohibited. If you received these materials in error, please call us by telephone immediately (collect if long distance) so that we may arrange retrieval of these documents at no cost to you.

Original To Follow: Yes x No

**PAUL NORR**

ATTORNEY AND COUNSELOR AT LAW

1020 S.W. TAYLOR STREET, SUITE 530

**PORTLAND, OREGON 97205-2550**OF COUNSEL  
**DENISE FRISBEE**TELEPHONE (503) 224-3402  
FAX (503) 224-1123

June 18, 1998

**VIA FAX AND U.S. MAIL**Beverly Stein, Chair  
1120 S.W. Fifth Ave.  
Suite 1515  
Portland, OR 97204-1914Diane Linn, Commission Dist. 1  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914Gary Hansen, Commission Dist. 2  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914Lisa Naito, Commissioner-Elect  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914Sharron Kelley, Commission Dist. 4  
1120 S.W. Fifth Ave.  
Suite 1500  
Portland, OR 97204-1914

Re: **Commission Agenda Item R-9. for June 18, 1998;**  
**Hearing Regarding the CFU Zoning District Amendments for**  
**West Hills**

Dear Commissioners:

Thank you for allowing both Karen Anderson and me an opportunity to address the Board this morning regarding the proposed CFU zoning code amendments. As we discussed at the hearing, our concern is with the West Hills (CFU-2) amendments, and in particular the manner in which the amendments allow both "agricultural buildings" and also "auxiliary buildings" within 30 feet of a neighbor's property without any opportunity for notice to the neighbor, and without any opportunity for the neighbor or the planning staff to offer any objection.

The primary purpose of this letter is to let you know that Karen Anderson would like an opportunity to meet with each of you or a member of your staff prior to the second reading of the ordinance now scheduled for July 9, 1998, so that she may have an opportunity to review with you the importance of providing an opportunity for input from a neighbor before the setback is reduced from 130 feet to 30 feet. Please feel free to have a member of your staff contact Karen at 283-6362 to arrange a convenient time for her to meet with you or a member of your

Multnomah County Board of Commissioners  
June 18, 1998  
Page 2

staff. On behalf of Karen I thank you for this opportunity for her further participation.

Please understand that we have no objection to the highly desirable fire protection standards for which Chris Foster advocates. However, there is no reason why the same fire protection standards cannot be implemented while still providing for input from a neighbor before reducing the setback from 130 feet to 30 feet for "agricultural" and "auxiliary" buildings. It is important to have a process which involves the neighbor because the outright allowance of agricultural and accessory buildings in the CFU zone certainly does not equate with their being no impact from the location of these usually large structures. Also, these structures typically contain uses which are reasonably offensive if located within close proximity to a property line.

Thank you once again for your attention to this matter.

Respectfully,



Paul Norr

PN:srs

cc: Karen Anderson