

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1081

Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Periodically it is necessary to reexamine regulations to ensure that they continue to serve the purpose for which they were enacted. Sometimes, changing or unforeseen circumstances necessitate adding more flexibility to the regulations.
- b. The Planning Commission heard testimony that “rear yard” (setback to the rear property line) requirements for agricultural buildings (barns) are greater than needed in some situations. A work session and public hearing were held which researched and evaluated the issue. The Zoning Code amendments in this ordinance reflect that work.
- c. The zoning districts where land parcels are larger and where there is the most need for agricultural buildings are the Exclusive Farm Use (EFU) and Multiple Use Agriculture-20 (MUA-20) zoning districts. On those larger parcels any adverse impacts on neighboring houses from the presence of large agricultural buildings are less likely to occur because of the ability to have more choices in the location of these structures. Those adverse impacts may include the loss of light, air circulation, and open space if barns are too close to neighboring houses. The amendments in this ordinance recognize those impacts and, where there are no neighboring houses, allow more flexibility in the siting of new barns to allow them to be closer to rear property lines.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, and 35.0005, Definitions, are amended as follows:

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessory Building – A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- (a) Storage, maintenance or repair of farm machinery and equipment;
- (b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) *Agricultural building* does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

* * *

Section 2. § 36.0005, Definitions, is amended as follows:

36.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Accessory Building - A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

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(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

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subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Section 3. §§ 33.0005, 34.0005, 35.0005, and 36.005, Definitions, are amended as follows:

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Educational Institution – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

* * *

Equine facility – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a building located on a farm and used by the farm owner or the public for: Stabling or training equines; or Riding lessons and training clinics.

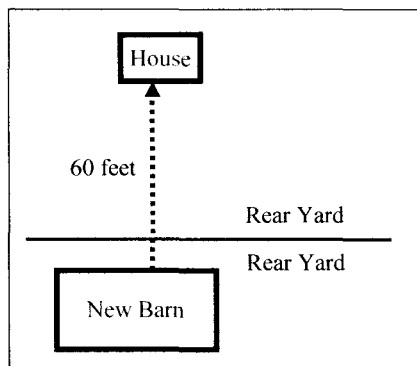
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Section 4. §§ 33.2660, 34.2660, and 35.2660, Dimensional Requirements, EFU zones, are amended as follows:

* * *

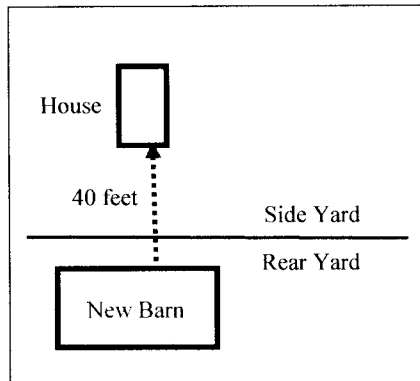
(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



For Illustrative purposes only.

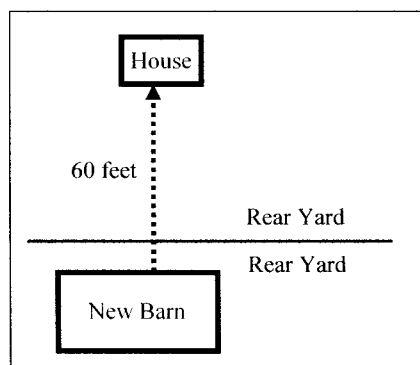
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 5. § 36.2660, Dimensional Requirements, EFU zone, is amended as follows:

* * *

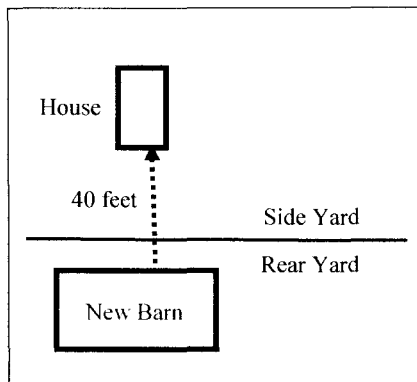
(H) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same *tract*, where the rear property line is also the side property line of the adjacent *tract*.



For illustrative purposes only.

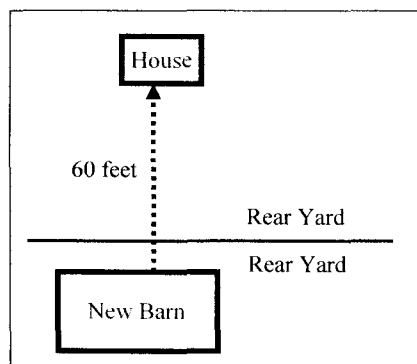
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 6. §§ 33.2855, 34.2855, and 35.2855, Dimensional Requirements, MUA-20 zones, are amended as follows:

* * *

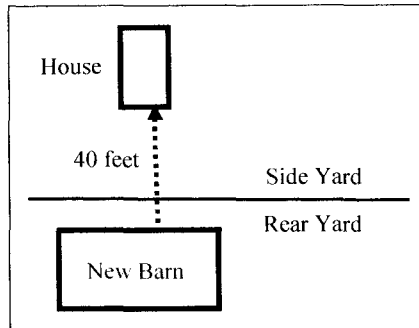
(F) *Agricultural structures and equine facilities* such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same *parcel or lot*, where the rear property line is also the rear property line of the adjacent *parcel or lot*, or



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- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same *parcel or lot*, where the rear property line is also the side property line of the adjacent *parcel or lot*.



For Illustrative purposes only.

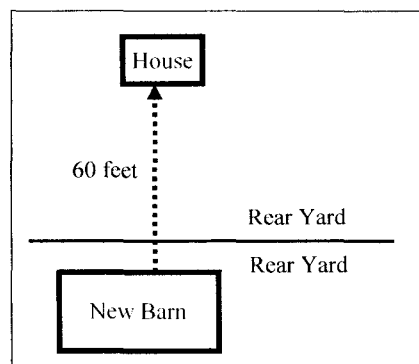
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 7. § 36.2855, Dimensional Standards and Development Requirements, MUA-20 zone, is amended as follows:

* * *

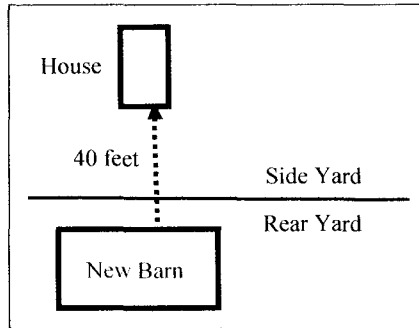
- (I) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same *parcel or lot*, where the rear property line is also the rear property line of the adjacent *parcel or lot*, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the side property line of the adjacent parcel or lot.



For illustrative purposes only.

- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

FIRST READING:

September 21, 2006

SECOND READING AND ADOPTION:

September 28, 2006



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By
Sandra N. Duffy, Assistant County Attorney

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 05-002

Recommend to the Board of County Commissioners the adoption of an ordinance amending the minimum Yard (setback) requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts in MCC Chapters 33, 34, 35, and 36.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted.
- c. The Planning Commission finds that, if there is consideration for existing homes, it is appropriate to reduce the minimum rear yard requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts.
- d. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- e. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on August 1, 2005 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, and 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 1st day of August, 2005.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair