

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 876

4
5
6 An ordinance amending the Exclusive Farm Use zoning district and related
7 subsections of MCC 11.15 to bring Multnomah County's land use regulations into
8 compliance with Oregon Revised Statute Chapter 215 and Oregon Administrative Rule
9 660, Division 33 requirements for Agricultural Land

10 (Underlined sections are new, strikethrough sections are deleted.)

11 Multnomah County Ordains as follows:

12 SECTION 1. Findings.

- 13 (A) On December 3, 1992 the State of Oregon Land Conservation and
14 Development Commission (LCDC) adopted Oregon Administrative Rules on
15 planning and regulating land uses on Agricultural Land (OAR Chapter 660,
16 Division 33). In Multnomah County, Agricultural Lands are those areas
17 designated and zoned Exclusive Farm Use (EFU).
- 18 (B) On July 19, 1993 the Planning Commission held a public hearing to explain
19 the State requirements and recommend changes to the zoning code. Hearing
20 before the Board of County Commissioners followed on August 31, 1993 and
21 September 14, 1993. At each of the hearings all interested persons were given
22 an opportunity to appear and be heard.
- 23 (C) In 1994 the Oregon State Legislature adopted House Bill 3661 that was
24 codified in ORS 215 that established new regulations for Agricultural Land
25 Uses (Exclusive Farm Use Zones and Farmlands. In 1995, the Oregon State
26 Legislature further amended Oregon Revised Statutes pertaining to
27 Agricultural Land Uses and Farmlands and Farmlands.
- 28 (D) This Ordinance amends the EFU zoning district and other related zoning
29 code subsections to include all the State mandated land use regulations for
30 Agricultural Land and Farmland.
- 31 (E) On November 4, 1996 the Planning Commission held a public hearing to take
32 public comments on proposed changes to the EFU and related sections of the

1 Multnomah County Zoning Code. Hearing before the Board of County
2 Commissioners followed on February 27, 1997 and March 11, 1997. At each
3 of the hearings all interested persons were given an opportunity to appear and
4 be heard.

5 (F) The Department of Land Conservation and Development was given notice
6 pursuant to ORS 197.615.

7 SECTION 2. Amendments.

8 Multnomah County Code Chapter 11.15 is amended to read as follows:

9 (A) Repeal and replace MCC 11.15.2002 through MCC 11.15.2030 with the
10 Following:

11
12 11.15.2002 Purposes

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15 The purposes of the Exclusive Farm Use District are to preserve and maintain
16 agricultural lands for farm use consistent with existing and future needs for agricultural
17 products, forests and open spaces; to conserve and protect scenic and wildlife resources,
18 to maintain and improve the quality of the air, water and land resources of the County
19 and to establish criteria and standards for farm uses and related and compatible uses
20 which are deemed appropriate. Land within this district shall be used exclusively for
21 farm uses as provided in the Oregon Revised Statutes Chapter 215 (1995 edition) and
22 the Oregon Administrative Rules Chapter 660, Division 33 (December 1995 edition) as
23 interpreted by this Exclusive Farm Use code section.

24
25 11.15.2004 Area Affected

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27 MCC .2002 through .2030 shall apply to those areas designated EFU on the Multnomah
28 County Zoning Map.

29
30 **11.15.2005 Definitions**

31
32 As used in MCC .2002 through MCC .2032, unless otherwise noted, the following
33 words and their derivations shall have the following meanings:

34
35 (A) "Campground" is an area devoted to overnight temporary use for vacation,
36 recreational or emergency purposes, but not for residential purposes. A camping
37 site may be occupied by a tent, travel trailer or recreational vehicle.
38 Campgrounds shall not include intensively developed recreational uses such as
39 swimming pools, tennis courts, retail stores or gas stations.

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41 (B) "Commercial agricultural enterprise" consists of farm operations that will:

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- (1) Contribute in a substantial way to the area's existing agricultural economy;
and
 - (2) Help maintain agricultural processors and established farm markets.
 - (3) When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.
- (C) "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;
- (D) "Farm Operator" means a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
- (E) "High-value farmland" means land in a tract composed predominately of soils that are:
- (1) Irrigated and classified prime, unique, Class I or Class II; or
 - (2) Not irrigated and classified prime, unique, Class I or Class II; or
 - (3) Willamette Valley Soils in Class III or IV including:
 - (a) Sub classification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;
 - (b) Sub classification IIIw specifically, Cornelius;
 - (c) Sub classification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.
 - (4) Location and the extent of these soils area as identified and mapped in "Soil Survey of Multnomah County, published by the Soil Conservation Service, US Department of Agriculture, 1983."
 - (5) The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to ORS 215.710(5).
- (F) "Private School" means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

1 (G) "Public School" means publicly owned primary, elementary or high school not
2 including nursery school, kindergarten or day nursery except those operated in
3 conjunction with a school.

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5 (H) "Suitable for farm use" means land in Class I-IV or "lands in other classes which
6 are necessary to permit farm practices to be undertaken on adjacent or nearby
7 lands".

8
9 (I) "Tract" means one or more contiguous lots or parcels in the same ownership.

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12 11.15.2006 Uses

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14 No building, structure or land shall be used and no building or structure shall be erected,
15 altered or enlarged in this district except for the uses listed in MCC .2008 through .2014.

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17 11.15.2008 Uses Permitted Outright

18
19 (A) Farm use, as defined in ORS 215.203.

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21 (B) Buildings other than dwellings customarily provided in conjunction with farm use.

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23 (C) The propagation or harvesting of forest products.

24
25 (D) Operations for the exploration for and production of geothermal resources as defined
26 by ORS 522.005 and oil and gas as defined by ORS 520.005, including the
27 placement and operation of compressors, separators and other customary production
28 equipment for an individual well adjacent to the wellhead. Any activities or
29 construction relating to such operations shall not be a basis for an exception under
30 ORS 197.732 (1)(a) or (b).

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32 (E) Operations for the exploration for minerals as defined by ORS 517.750. Any
33 activities or construction relating to such operations shall not be the basis for an
34 exception under ORS 197.732 (1)(a) or (b).

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36 (F) Climbing and passing lanes within the right of way existing as of July 1, 1987.

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38 (G) Reconstruction or modification of public roads and highways, including the
39 placement of utility facilities overhead and subsurface of public roads and highways
40 along the public right-of-way, but not including the addition of travel lanes, where
41 no removal or displacement of buildings will occur, or no new land parcels result.

42
43 (H) Temporary public road and highway detours that will be abandoned and restored to
44 original condition or use at such time as no longer needed.

45
46 (I) Minor betterment of existing public roads and highway related facilities such as
47 maintenance yards, weigh stations and rest areas within right of way existing as of
48 July 1, 1987, and contiguous public-owned property utilized to support the operation
49 and maintenance of public roads and highways.

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1 (J) A replacement dwelling to be used in conjunction with farm use if the existing
2 dwelling has been listed in a historic property inventory as defined in ORS 358.480
3 and listed on the National Register of Historic Places.
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5 (K) Creation of, restoration of or enhancement of wetlands.
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7 (L) Alteration, restoration or replacement of a lawfully established dwelling that has:
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9 (1) intact exterior walls and roof structure;

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11 (2) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities
12 connected to a sanitary waste disposal system;

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14 (3) interior wiring for interior lights; and

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16 (4) a heating system; and

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18 (5) in the case of a replacement dwelling, the existing dwelling is removed,
19 demolished or converted to an allowable nonresidential use within three
20 months of the completion of the replacement dwelling.
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22 (M) Replacement of an existing lawfully established single family dwelling on the
23 same lot not more than 200 feet from the original building site when the dwelling
24 was unintentionally destroyed by fire, other casualty or natural disaster. The
25 dwelling may be reestablished only to its previous nature and extent, and the
26 reestablishment shall meet all other building, plumbing, sanitation and other codes,
27 ordinances and permit requirements. A building permit must be obtained within
28 one year from the date of the event that destroyed the dwelling.
29

30 (N) Public or private schools, including all buildings essential to the operation of a
31 school wholly within an EFU district may be maintained, enhanced or expanded:
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33 (1) except that no new use may be authorized within three miles of an urban
34 growth boundary, unless an exception is approved pursuant to ORS 197.732
35 and OAR 660, Division 4; and

36
37 (2) no new use may be authorized on high value farmland; and

38
39 (3) must satisfy the requirements of MCC .6100 through MCC .6148, MCC
40 .7025(A), MCC .7805 through MCC .7870 and MCC .7942.
41

42 (O) Churches and cemeteries in conjunction with churches wholly within an EFU district
43 may be maintained, enhanced or expanded:
44

45 (1) except that no new use may be authorized within three miles of an urban
46 growth boundary, unless an exception is approved pursuant to ORS 197.732
47 and OAR 660, Division 4; and

48
49 (2) no new use may be authorized on high value farmland;

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51 (3) must satisfy the requirements of MCC .6100 through MCC .6148, MCC
52 .7025(A), MCC .7805 through MCC .7870 and MCC .7942; and
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1 11.15.2010 Uses Permitted Under Prescribed Conditions

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3 The following uses may be permitted when approved by the Planning Director. These
4 decisions of the Planning Director may be appealed pursuant to MCC 11.15.8290
5 through 11.15.8295. The procedures and forms for obtaining approval of a Use
6 Permitted Under Prescribed Conditions shall be as provided by the Planning Director.
7

8
9 **(A)** Utility facilities necessary for public service, except commercial facilities for the
10 purpose of generating power for public use by sale and transmission towers over
11 200 feet in height provided:

- 12
13 (1) A facility is necessary if it must be situated in an agricultural zone in order for
14 the service to be provided; and
15
16 (2) satisfy the requirements of MCC .6100 through MCC .6148, MCC .7025(A),
17 MCC .7805 through MCC .7870 and MCC .7942; and
18
19 (3) Radio Towers 200 feet and under must also satisfy the requirements of MCC.
20 .7035 through MCC .7040.
21

22 **(B)** A farm help dwelling for a relative on real property used for farm use if the
23 dwelling is located on the same lot or parcel as the dwelling of the farm operator
24 and is occupied by a grandparent, grandchild, parent, child, brother or sister of the
25 farm operator or the farm operator's spouse, and whose assistance in the
26 management of the farm use is or will be required by the farm operator.
27

28 **(C)** A dwelling, including a mobile or modular home, customarily provided in
29 conjunction with a farm use subject of the following four ways:
30

- 31 (1) On land identified as high-value farmland, a dwelling may be considered
32 customarily provided in conjunction with farm use if:
33
34 **(a)** The subject tract is currently employed for the farm use, as defined in ORS
35 215.203, that produced at least \$80,000 (1994 dollars) in gross annual
36 income from the sale of farm products in the last two years or three of the
37 last five years; and
38
39 **(b)** Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker
40 housing), there is no other dwelling on the subject tract; and
41
42 **(c)** The dwelling will be occupied by a person or persons who produced the
43 commodities which grossed the income in subsection (a) of this subsection;
44
45 **(d)** In determining the gross income required by subsection (a) of this
46 subsection, the cost of purchased livestock shall be deducted from the total
47 gross income attributed to the tract.

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- (2) On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
 - (a) The parcel on which the dwelling will be located is at least 160 acres; and
 - (b) The subject tract is currently employed for farm use, as defined in ORS 215.203; and
 - (c) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 - (d) Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; or

- (3) On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
 - (a) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract [the median size of commercial farm and ranch tracts shall be determined pursuant to OAR 660-33-135(3)]; and
 - (b) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this section; and
 - (c) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this section; and
 - (d) The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and
 - (e) Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and
 - (f) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; or

1 (4) On land not identified as high-value farmland, a dwelling may be considered
2 customarily provided in conjunction with farm use if:

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4 (a) The subject tract is currently employed for the farm use, as defined in ORS
5 215.203, that produced in the last two years or three of the last five years the
6 lower of the following:

7
8 (1) At least \$40,000 (1994 dollars) in gross annual income from the sale of
9 farm products; or

10
11 (2) Gross annual income of at least the midpoint of the median income
12 range of gross annual sales for farms in the county with gross annual
13 sales of \$10,000 or more according to the 1992 Census of Agriculture,
14 Oregon; and

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16 (b) Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker
17 housing), there is no other dwelling on the subject tract; and

18
19 (c) The dwelling will be occupied by a person or persons who produced the
20 commodities which grossed the income in subsection (a) of this subsection;

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22 (d) In determining the gross income required by subsection (a) of this
23 subsection, the cost of purchased livestock shall be deducted from the total
24 gross income attributed to the tract.

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26 (D) An accessory farm help dwelling, including a mobile or modular home is
27 customarily provided in conjunction with farm use if:

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29 (1) The accessory farm help dwelling will be occupied by a person or persons who
30 will be principally engaged in the farm use of the land and whose assistance in
31 the management of the farm use is or will be required by the farm operator; and

32
33 (2) The accessory help dwelling will be located:

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35 (a) On the same lot or parcel as the dwelling of the principal farm dwelling; or

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37 (b) On the same tract as the principal farm dwelling when the lot or parcel on
38 which the accessory dwelling will be sited is consolidated into a single
39 parcel with all other contiguous lots and parcels in the tract; or

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41 (c) On a lot or parcel on which the principal farm dwelling is not located, when
42 the accessory farm dwelling is a manufactured dwelling and a deed
43 restriction is filed with the county clerk. The deed restriction shall require
44 the manufactured dwelling to be removed when the lot or parcel is conveyed
45 to another party. An accessory farm dwelling approved pursuant to this rule
46 may not be occupied by a person or persons who will not be principally

1 engaged in the farm use of the land and whose assistance in the management
2 of the farm use is not or will not be required by the farm operator. The
3 manufactured dwelling may remain if it is reapproved; and
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5 **(3)** There is no other dwelling on the lands designated for exclusive farm use
6 owned by the farm operator that is vacant or currently occupied by persons not
7 working on the subject farm or ranch and that could reasonably be used as an
8 accessory farm dwelling; and
9

10 **(4)** The principal farm dwelling to which the proposed dwelling would be
11 accessory, meets one of the following:
12

13 **(a)** On land not identified as high-value farmland, the principal farm dwelling is
14 located on a farm or ranch operation that is currently employed for farm use,
15 as defined in ORS 215.203, and produced in the last two years or three of
16 the last five years the lower of the following:
17

18 **(1)** At least \$40,000 (1994 dollars) in gross annual income from the sale of
19 farm products. In determining the gross income, the cost of purchased
20 livestock shall be deducted from the total gross income attributed to the
21 tract; or
22

23 **(2)** Gross annual income of at least the midpoint of the median income
24 range of gross annual sales for farms in the county with the gross annual
25 sales of \$10,000 or more according to the 1992 Census of Agriculture,
26 Oregon. In determining the gross income, the cost of purchased livestock
27 shall be deducted from the total gross income attributed to the tract; or
28

29 **(b)** On land identified as high-value farmland, the principal farm dwelling is
30 located on a farm or ranch operation that is currently employed for farm use,
31 as defined in ORS 215.203, and produced at least \$80,000 (1994-dollars) in
32 gross annual income from the sale of farm products in the last two years or
33 three of the last five years. In determining the gross income, the cost of
34 purchased livestock shall be deducted from the total gross income attributed
35 to the tract; and
36

37 **(5)** The governing body of a county shall not approve any proposed division of a lot
38 or parcel for an accessory farm dwelling approved pursuant to this section. If it
39 is determined that an accessory farm dwelling satisfies the requirements of
40 MCC 11.15.2010(C), a parcel may be created consistent with the minimum
41 parcel size requirements in MCC 11.15.2016;
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43 **(E)** A single family lot or parcel of record dwelling may be allowed under this section on
44 land not identified as high-value farmland when the requirements below are met.
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46 **(1)** The lot or parcel meets the following requirements:

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- (a) A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and
 - (b) Satisfied all applicable laws when the lot or parcel was created; and
 - (c) Which is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and
- (2) The tract on which the dwelling will be sited does not include a dwelling; and
- (3) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law; and
- (4) The lot or parcel on which the dwelling will be sited does not lie within an area designated in an acknowledged comprehensive plan Big Game habitat area; and
- (5) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single parcel when the dwelling is allowed; and
- (6) The County Assessor shall be notified when the permit is approved.
- (7) Approval of the dwelling would not:
- (a) exceed the facilities and service capabilities of the area; and
 - (b) materially alter the stability of the overall land use pattern of the area; and
 - (c) create conditions or circumstances that the county determines would be contrary to the purpose or intent of its acknowledged comprehensive plan and land use regulation.
- (8) For purposes of this subsection, and of dwellings considered under MCC 11.15.2012 (O) and (P), the following definitions apply;
- (a) "Owner" includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 - (b) "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, parcel 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, parcel or tract.
- (F) Seasonal farmworker housing as defined in ORS 197.675 must meet the following requirements:
- (1) The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and

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- (2) The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and
- (3) the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and
- (4) the seasonal farmworker housing can only be occupied for 273 days per calendar year.

(G) Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:

- (1) MCC .7230 (A) and (B); and
- (2) MCC .7942; and
- (3) MCC .7805 through MCC .7870; and
- (4) Dimensional standards:
 - (a) Area: Two acres.
 - (b) Width: Two hundred fifty feet.
 - (c) Depth: Two hundred fifty feet.
 - (d) Setback from all lot lines: One hundred feet.

(H) Farm Stands:

- (1) The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and
- (2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

1 (I) On-site filming and activities accessory to on-site filming may be conducted in any
2 area zoned for exclusive farm use if the activity would involve no more than 45 days
3 on any site within any one-year period or does not involve erection of sets that would
4 remain in place for longer than any 45-day period. On-site filming and activities
5 accessory to on-site filming may be conducted to include office administrative
6 functions such as payroll and scheduling, and the use of campers, truck trailers or
7 similar temporary facilities. Temporary facilities may be used as temporary housing
8 for security personnel. "On-site filming and activities accessory to on-site filming"
9 includes: filming and site preparation, construction of sets, staging, makeup and
10 support services customarily provided for on-site filming and production of
11 advertisements, documentaries, feature film, television services and other film
12 productions that rely on the rural qualities of an exclusive farm use zone in more
13 than an incidental way. On-site filming and activities accessory to on-site filming"
14 does not include: facilities for marketing, editing and other such activities that are
15 allowed only as a home occupation or construction of new structures that requires a
16 building permit.

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18 (J) A winery, as described in ORS 215.452.

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20 11.15.2012 Conditional Uses

21
22 The following uses may be permitted when approved by the Hearings Officer pursuant
23 to the provisions of MCC 11.15.7105 through .7135.

24
25 (A) Commercial activities that are in conjunction with a farm use.

26
27 (B) Operations conducted for:

28
29 (1) Mining and processing of geothermal resources as defined by ORS 522.005
30 and oil and gas as defined by ORS 520.005 not otherwise permitted under this
31 section; and

32
33 (2) Mining, crushing or stockpiling of aggregate and other mineral and other
34 subsurface resources subject to ORS 215.298.

35
36 (C) Residential home as defined in ORS 197.660, in existing dwellings.

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38 (D) Private parks, playgrounds, hunting and fishing preserves, campgrounds and, parks,
39 playgrounds or community centers owned and operated by a nonprofit community
40 organization. Existing facilities wholly within an EFU district may be maintained,
41 enhanced or expanded. New facilities may be allowed but not on high value lands.
42 Campgrounds authorized by this provision shall not include intensively developed
43 recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

44
45 (E) Parks, playgrounds or community centers owned and operated by a governmental
46 agency.

47

- 1 (F) Home occupation as provided for in ORS 215.448 and provided: that there is no
2 outside advertising or display of merchandise, that no sale of merchandise is made
3 from the premise, and that no noise, odor, smoke, gases, fallout, vibration, heat or
4 glare resulting from the activity is dectable at any property line. A home occupation
5 located on high-value farmland may employ only residents of the home.
6
- 7 (G) A facility for the primary processing of forest products, provided that such facility
8 and is compatible with farm uses described in ORS 215.203 (2). Such a facility may
9 be approved for a one-year period which is renewable. These facilities are intended
10 to be only portable or temporary in nature. The primary processing of a forest
11 product, as used in this section, means the use of a portable chipper or stud mill or
12 other similar methods of initial treatment of a forest product in order to enable its
13 shipment to market. Forest products, as used in this section, means timber grown
14 upon a parcel of land or contiguous land where the primary processing facility is
15 located.
16
- 17 (H) One manufactured dwelling in conjunction with an existing dwelling as a temporary
18 use for the term of a hardship suffered by the existing resident or a relative of the
19 resident. A manufactured dwelling allowed under this provision is a temporary use
20 for the term of the hardship suffered by the existing resident or relative as defined in
21 ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage
22 disposal system used by the existing dwelling, if that disposal system is adequate to
23 accommodate the additional dwelling. If the manufactured home will use a public
24 sanitary sewer system, such condition will not be required. Governing bodies shall
25 review the permit authorizing such manufactured homes every two years. When the
26 hardships end, the governing bodies or their designate shall require the removal of
27 such manufactured homes. Oregon Department of Environmental Quality review and
28 removal requirements also apply. As used in this subsection "hardship" means a
29 medical hardship or hardship for the care of an aged or infirm person or persons.
30
- 31 (I) Transmission towers over 200 feet in height subject to the requirements of MCC
32 .7035 through MCC 7040.
33
- 34 (J) Dog kennels not described section MCC 11.15.2010(G) of this District. Existing
35 facilities wholly within an EFU district may be maintained, enhanced or expanded,
36 subject to other requirements of law. New facilities may be allowed on non-high-
37 value lands but not on high-value lands.
38
- 39 (K) The propagation, cultivation, maintenance and harvesting of aquatic species.
40
- 41 (L) Reconstruction or modification of public roads and highways involving the removal
42 or displacement of buildings but not resulting in the creation of new land parcels.
43
- 44 (M) Improvement of public road and highway related facilities, such as maintenance
45 yards, weigh stations and rest areas, where additional property or right of way is
46 required but not resulting in the creation of new land parcels.
47
- 48 (N) Parking log trucks in exclusive farm use zones. No more than seven log trucks shall
49 be allowed.

1
2 **(O)** A single family lot or parcel of record dwelling may be allowed under this section
3 on land identified as high-value farmland when the requirements below are met.
4 MCC 11.15.7120 Conditional Use Approval Criteria does not apply.

5
6 **(1)** The lot or parcel meets the requirements of 11.15.2010(E)(1) through
7 2010(E)(8); and

8
9 **(2)** The lot or parcel cannot practicably be managed for farm use by itself or in
10 conjunction with other land due to extraordinary circumstances inherent in the
11 land or its physical setting that do not apply generally to other land in the
12 vicinity; and

13
14 **(3)** The dwelling will not:

15
16 (a) force a significant change in accepted farm or forest practices on
17 surrounding lands devoted to farm or forest; or

18
19 (b) significantly increase the cost of accepted farm or forest practices on
20 surrounding lands devoted to farm or forest use; and

21
22 **(4)** The dwelling will not materially alter the stability of the overall land use
23 pattern of the area.
24

25 **(P)** A single family lot or parcel of record dwelling may be allowed under this section
26 on land identified as high-value farmland when the requirements below are met.
27 MCC 11.15.7120 Conditional Use Approval Criteria does not apply.

28
29 **(1)** The lot or parcel meets the requirements of 11.15.2010(E)(1) through
30 2010(E)(8); and

31
32 **(2)** The tract on which the dwelling will be sited is:

33
34 (a) Not composed predominately of irrigated or non-irrigated soils classified
35 prime, unique, Class I or Class II; and

36
37 (b) Is less than twenty-one acres in size; and

38
39 (c) The tract is bordered on at least 67% of its perimeter by tracts that are
40 smaller than 21 acres, and at least two such tracts had dwellings on January
41 1, 1993; or

42
43 **(d)** The tract is bordered on at least 25% of its perimeter by tracts that are
44 smaller than 21 acres, and at least four dwellings existed on January 1, 1993,
45 within one-quarter mile of the center of the subject tract. Up to two of the
46 four dwellings may lie within an urban growth boundary, but only if the
47 subject tract abuts an urban growth boundary.

1
2
3 11.15.2014 Accessory Uses
4

5 The uses or structures incidental and accessory to the uses permitted under MCC .2008
6 through .2012 are:

- 7
8 (A) Structures such as garages, carports, studios, pergolas, private workshops, barns,
9 loafing sheds, storage buildings, greenhouses or similar structures, whether attached
10 or detached, when in accordance with the yard requirements of this district;
11
12 (B) Structures or fenced runs for the shelter or confinement of poultry or livestock;
13
14 (C) Signs, pursuant to the provisions of MCC 11.15.7902 through .7982;
15
16 (D) Off-street parking and loading pursuant to MCC 11.15.6100 through .6148.
17

18
19 11.15.2016 Dimensional Requirements
20

- 21 (A) Except as provided in MCC 11.15.2018, the minimum size for new parcels shall be
22 80 acres in the EFU district.
23
24 (B) That portion of a street which would accrue to an adjacent lot if the street were
25 vacated shall be included in calculating the size of such lot.
26
27 (C) Minimum Yard Dimensions - Feet
28
29 Front Side Street Side Rear
30 30 10 30 30
31
32
33 Maximum Structure Height – 35 feet
34
35 Minimum Front Lot Line Length – 50 feet.
36
37
38 (D) The minimum yard requirement shall be increased where the yard abuts a street
39 having insufficient right-of-way width to serve the area. The Planning Commission
40 shall determine the necessary right-of-way widths and additional yard requirements
41 not otherwise established by Ordinance.
42
43 (E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures
44 may exceed the height requirement if located at least 30 feet from any property line.
45

46 11.15.2017 Property Line Adjustment
47

- 48 (A) The Planning Director may approve an adjustment of the common lot line between
49 contiguous legal lots based on a finding that:
50
51 (1) All dwellings that were situated on the same lot prior to the adjustments must
52 remain together on the reconfigured lot; and
53

- 1 (2) Dimensional requirements of MCC .2016(A) and (C) are met; or
2
3 (3) The reconfigured lot areas will each retain the same lot area that existed prior
4 to the exchange.
5
6 (4) The decision of the Planning Director may be appealed to the approval
7 authority pursuant to MCC .8290 and .8295.
8
9

10 11.15.2018 Lot, Parcel and Tract Requirement.
11
12

13 (A) The lot, Parcel and Tract requirement shall be applied to all uses in this district
14 except for Single Family Lot or Parcel of Record Dwellings approved under the
15 following sections: MCC 11.15.2010(E), MCC 11.15.2012(O) and 11.15.2012(P).
16 For the purposes of this district, a lot, parcel or tract is defined as:
17

18 (1) A lot or parcel of land:

- 19
20 (a) For which a deed or other instrument creating the parcel was recorded with
21 the Department of Environmental Services or its predecessors; and
22
23 (b) Which satisfied all applicable laws, including but not limited to land
24 divisions and zoning ordinance, when the parcel was created; and
25
26 (c) Which satisfies the minimum lot size requirements of MCC .2016, or
27

28 (2) A lot or parcel of land:

- 29
30 (a) For which a deed or other instrument creating the parcel was recorded with
31 the Department of General Services, or was in recordable form prior to
32 February 20, 1990; and
33
34 (b) Which satisfied all applicable laws, including but not limited to land
35 divisions and zoning ordinance, when the parcel was created; and
36
37 (c) Does not meet the minimum lot size requirements of MCC .2016; and
38
39 (d) Which was not contiguous to another substandard parcel or parcels under
40 the same ownership on or after February 20,1990, or
41

42 (3) A Tract land:

- 43
44 (a) For which deeds or other instruments creating the parcels were recorded
45 with the Department of General Services, or were in recordable form prior
46 to February 20, 1990; and
47
48 (b) Which satisfied all applicable laws, including but not limited to land
49 divisions and zoning ordinance, when the lots or parcels were created; and
50
51 (c) Which were held under the same ownership on or after February 20, 1990;
52 and
53
54 (d) Which individually do not meet the minimum lot or Parcel size
55 requirements of MCC .2016, but, when considered in combination:

1
2 (1) One legal lot or Parcel shall comply nearly as nearly as possible with a
3 minimum area of nineteen acres, without creating any new lot line; or
4

5 (2) More than one legal lot or parcel, each property must comply with the
6 minimum area of nineteen acres, without creating any new property
7 line.
8

9 (B) For the purposes of this subsection:
10

11
12 (1) "Substandard Lot or Parcel" refers to a parcel which does not satisfy the
13 minimum lot size requirements of MCC .2016; and
14

15 (2) "Same Ownership" refers to greater than possessory interests held by the same
16 person or persons, spouse, minor age child, same partnership, corporation,
17 trust or other entity, separately, in tenancy in common or by other form of
18 title. Ownership shall be deemed to exist when a person or entity owns or
19 controls ten percent or more of a lot or parcel, whether directly or through
20 ownership or control of an entity having such ownership or control.
21

22 (C) A lot, parcel or tract which satisfies the applicable requirements of MCC 2018 and
23 front lot line minimums required may be occupied by any permitted or approved use
24 when in compliance with the other requirements of this district.
25

26
27 11.15.2020 Exceptions to Lot Size for Specific Uses
28

29 (A) Lots less than the minimum lot size specified in MCC .2016(A) may be created for
30 uses listed in MCC .2010(A) and MCC 2012(E) based upon:
31

32 (1) The site size needs of the proposed use;
33

34 (2) The nature of the proposed use in relation to its impact on nearby properties;
35 and
36

37 (3) Consideration of the purposes of this district.
38

39 (B) Except as otherwise provided by MCC .2018, no sale or conveyance of any portion
40 of a lot, for other than a public purpose, shall leave a structure on the remainder of
41 the lot with less than the minimum lot or yard requirements or result in a lot with less
42 than the area or width requirements of this district.
43
44
45

46
47 11.15.2026 Access
48

49 Any lot in this district shall abut a street, or shall have other access determined by
50 the Hearings Officer to be safe and convenient for pedestrians and for passenger and
51 emergency vehicles.
52

53
54 11.15.2032 Permit Expiration
55

1 All administrative and action proceedings involving discretionary decisions for which
2 applications and fees have been collected, except land divisions and uses listed in
3 MCC .2012, shall expire two years from the date of the Planning Director's or
4 Hearing's Officer's decision in the matter or two years from the date of final
5 resolution of subsequent appeals, unless:

6 (A) The project is completed as approved; or

7 (B) A building permit has been obtained and is continuing to be kept valid under the
8 permit regulations of the applicable government issuer until completion of the
9 construction, or

10 (C) The Planning Director determines that substantial construction or development has
11 taken place. That determination shall be processed as follows:

12 (1) Application shall be made on appropriate forms and filed with the Director at
13 least 30 days prior to the expiration date.

14 (2) The Director shall issue a written decision on the application within 20 days of
15 filing. That decision shall be based on findings that:

16 (a) Final Design Review approval has been granted under MCC .7845 on the
17 total project, if applicable; and

18 (b) At least ten percent of the dollar cost of the total project value has been
19 expended for construction or development authorized under a sanitation,
20 building or other development permit. Project value shall be as
21 determined by MCC .9025(A) or .9027(A).

22 (3) Notice of the Planning Director shall be mailed to all parties as defined in
23 MCC .8225.

24 (4) The decision of the Planner Director shall become final at the close of
25 business on the tenth day following mailed notice unless a party files a written
26 notice of appeal. Such notice of appeal and the decision shall be subject to the
27 provisions of MCC .8290 and 8295.

28 (D) Uses listed in MCC 2012 shall expire two years from the date of issuance of the
29 Board Order in the matter, or two years from the date of final resolution of
30 subsequent appeals, unless one of the conditions of .7110(c) are met.
31
32
33

34 (B) Amend MCC 11.15.7020(A), MCC 11.15.7120 and delete MCC11.15.7122
35 as follows:

36 **11.15.7020 Uses**
37

38 (A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC
39 11.15.2048 through .2050, the following Community Service Uses and those of a
40 similar nature, may be permitted in any district when approved at a public hearing
41 by the approval authority.
42

1 **11.15.7120 Conditional Use Approval Criteria**
2

3 (A) A Conditional Use shall be governed by the approval criteria listed in the district
4 under which the conditional use is allowed. If no such criteria are provided, the
5 approval criteria listed in this section shall apply. In approving a Conditional Use
6 listed in this section, the approval authority shall find that the proposal:

- 7
8 (1) Is consistent with the character of the area;
9
10 (2) Will not adversely affect natural resources;
11
12 (3) Will not conflict with farm or forest uses in the area:
13
14 (a) Will not force a significant change in accepted farm or forest practices on
15 surrounding lands devoted to farm or forest use; and
16
17 (b) Will not significantly increase the cost of accepted farm or forest practices
18 on surrounding lands devoted to farm or forest use.
19
20 (4) Will not require public services other than those existing or programmed for
21 the area;
22
23 (5) Will be located outside a big game winter habitat area as defined by the
24 Oregon Department of Fish and Wildlife or that agency has certified that the
25 impacts will be acceptable;
26
27 (6) Will not create hazardous conditions; and
28
29 (7) Will satisfy the applicable policies of the Comprehensive Plan.
30

31 (B) Except for off-site stockpiling, subpart (A) of this subsection shall not apply to
32 applications for mineral extraction and processing activities. Proposals for mineral
33 extraction and processing shall satisfy the criteria of MCC .7325.
34
35

36 ~~11.15.7122 Exclusive Farm Use Conditional Use Approval Criteria~~

37 ~~(A) In addition to the criteria of MCC .7120, an applicant for a Conditional Use listed~~
38 ~~in MCC .2012(B) must demonstrate that the use:~~

- 39
40 ~~(1) Will not force a significant change in accepted farm or forest practices on~~
41 ~~surrounding lands devoted to farm or forest use; and~~
42
43 ~~(2) Will not significantly increase the cost of accepted farm or forest practices on~~
44 ~~surrounding lands devoted to farm or forest use.~~

45
46 ~~(B) For the purposes of this subsection surrounding lands devoted to farm or~~
47 ~~forest use shall not include:~~
48

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~~(1) Parcels with a single family residence approved under MCC .2012(B)(3);~~

~~(2) Exception areas; or~~

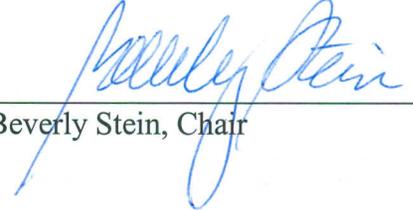
~~(3) Lands within the Urban Growth Boundary.~~

~~(C) Any conditions placed on a conditional use approved under this subsection shall be clear and objective.~~

ADOPTED this 6th day of March, 1997, being the date of its second reading
before the Board of County Commissioners of Multnomah County, Oregon.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

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FOR MULTNOMAH COUNTY, OREGON

By 

Sandra N. Duffy, Acting County Counsel