



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 8/18/11)

Board Clerk Use Only

Meeting Date: 2/28/13
Agenda Item #: R.1
Est. Start Time: 9:30 am
Date Submitted: 2/7/1443

Agenda Title:

Public Hearing and First Reading of an Ordinance Amending MCC Chapters 33-36 Relating to Exclusive Farm Use zones; MCC Chapter 35 Relating to Non-EFU Farm Stands and Alternative Energy Systems; and MCC Chapters 33, 34 and 36 Relating to Wildlife Habitat.

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: February 28, 2013 Time Needed: 10 minutes
Department: Community Services Division: Land Use Planning
Contact(s): Chuck Beasley
Phone: 503-988-3043 Ext. 22610 I/O Address: 455/116
Presenter Name(s) & Title(s): Chuck Beasley, Senior Planner

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve the proposed zoning code amendments. These amendments have been recommended by the Planning Commission to the Board for approval.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

This proposed ordinance incorporates four sets of amendments recommended by the Planning Commission: PC 2012-2394 *Exclusive Farm Use(EFU) Consistency Updates*, PC 2012-2395 *East of Sandy River (ESR) Non-EFU Farm Stands*, PC 2012-1796a *Alternative Energy Provisions*, and PC 2012-2248 *Significant Environmental Concern-habitat (SEC-h) Provisions*. The Planning Commission Resolutions recommending these zoning code amendments are attached.

EFU Consistency Updates

In the 2011 legislative session, the State revised the options available to farmers in the EFU zone to satisfy the farm income standard for a dwelling that is customarily provided in conjunction with a farm use (HB 3290 (2011)). The legislature also added rural fire service

facilities to the list of uses for which a lot smaller than 40 acres could be created in the EFU zone (SB 640 (2011)). The final legislative update in this ordinance adds irrigation reservoirs as an Allowed Use in the EFU zones to allow reservoirs serving off-site farmland (HB 3408 (2011)). All three amendments will be added to the EFU zones in each of the county's zoning chapters (MCC Ch. 33 – 36).

ESR Non-EFU Farm Stands

The East of Sandy River (ESR) Rural Area Plan contains planning policies regarding farm stands in non-EFU zoned areas. Policies 16 and 17 are intended to allow farm stands in the vicinity of the Historic Columbia River Highway (HCRH) to sell a wider variety of farm products and retail incidental items. The proposed amendments seek to implement these policies for the Rural Residential (RR), Multiple Use Agriculture – 20 (MUA-20) and Springdale Rural Center (SRC) zones. The proposed amendments allow farm crops from a larger area to be sold at farm stands in the MUA-20 zone that are approved through the Review Use procedure. Properties in the RR, SRC, and MUA-20 zones may obtain approval of a farm stand similar to those allowed in EFU zones through the Conditional Use procedure. These farm stands may be permitted to sell limited quantities of incidental items and have fee-based activities. Qualifying properties are adjacent to the Historic Columbia River Highway (HCRH), or have road frontage on a County maintained road that intersects the HCRH and are within 500 feet of it.

Alternative Energy Provisions

This amendment will result in consistency of the zoning code provisions for alternate energy systems in the East and West of Sandy River Plan areas, Chapters 35 and 36. Multnomah County adopted zoning code amendments to implement House Bill (HB) 3516(2011) in May of 2012, Ord. No. 1192. That ordinance includes standards applicable to areas designated as scenic to ensure that solar systems are designed to minimize reflectivity. The 2012 ordinance amended Chapter 36, protecting the west half of the Sandy River canyon, which is designated as a scenic area. This proposed amendment will extend the same protection standards to the east portion of the canyon ensuring that the entire scenic area is subject to the reflectivity standards.

SEC-h Provisions

The amendments to the Significant Environmental Concern for wildlife habitat (SEC-h) special district criteria cover three significant areas of change in the SEC-h code. The first is to modify the approval criteria to establish an optional non-discretionary review procedure reducing the cost and time needed to process qualifying applications. The second amendment provides optional mitigation plan standards that will increase certainty for applicants on projects that cannot meet development location standards. The third change will result in a consistent list of development activities that is exempt from SEC permit review across rural plan areas (West Hills – Ch. 33, Sauvie Island/Mult. Channel – Ch. 34 and West of Sandy River – Ch.36).

3. Explain the fiscal impact (current year and ongoing).

None.

4. Explain any legal and/or policy issues involved.

None.

5. Explain any citizen and/or other government participation that has or will take place.

The Planning Commission conducted at least one work session and one public hearing on each of the four amendments. The Commission considered the EFU Consistency Updates and ESR Non-EFU Farm Stands matter at a work session in October of 2012, followed by a hearing in December, 2012. A public hearing on the Alternative Energy amendment to Chapter 35 occurred in November, 2012. Two work sessions were held in June and September of 2012 regarding the amendments to the SEC-h provisions, and a public hearing was held in December, 2012. Public notice for all Planning Commission proceedings was published in the newspaper and on the Land Use Planning web pages.

Required Signature

**Elected
Official or
Department
Director:**

Kim Peoples, Acting Director /s/

Date: 2/7/13