



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

Board Clerk Use Only

Meeting Date: 10/11/18
Agenda Item #: R.3
Est. Start Time: 9:50 a.m.
Date Submitted: 9/19/18

Agenda Title: Ordinance Amending MCC Chapters 33, 35 and 36 Relating to Forest Practices Setbacks, Fire Safety Zones, and Clustering Requirements in the Commercial Forest Use Zones and Declaring an Emergency

Requested Meeting: October 11, 2018 **Time Needed:** 5 minutes

Department: Community Services **Division:** Land Use Planning

Contact(s): Adam Barber, Senior Planner

Phone: 503.988.0168 **Ext.** 80168 **Email:** adam.t.barber@multco.us

Presenters: Adam Barber, Deputy Director; Michael Cerbone, Planning Director

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve amendments to Multnomah County Zoning Code Chapters 33, 35 and 36. These amendments have been recommended to the Board for approval by Multnomah County's Planning Commission.

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

Land use provisions in the Commercial Forest Use (CFU) zones serve the purpose of, among other things, conserving and protecting designated lands for the continued commercial growing and harvesting of timber, as well as reducing the risk, and minimizing the impacts, of wildfires. Consistent with those purposes, development in the CFU must maintain a certain amount of separation from property lines (Forest Practices Setbacks), and firebreaks are required around structures (Fire Safety Zones).

This ordinance: (1) amends the standards for Forest Practices Setbacks and Fire Safety Zones in the CFU zones to clarify how replacement, restoration, alteration, maintenance of, and addition to, certain existing development is regulated; and, (2) readopts accessory structure clustering provisions that were inadvertently deleted in 2017 through adoption of Ordinance 1242. More specifically:

(1) The existing CFU standards addressing the Forest Practices Setbacks and Fire Safety Zones for certain development that does not meet current setbacks will benefit from further clarification. Under current code, for those types of development, a property owner may maintain nonconforming Forest Practices Setbacks of less than 30 feet, and, in certain development situations, the Primary Fire Safety Zone is required "to the extent possible

within the existing setbacks.” The ordinance amends those provisions to clarify that where a nonconforming Forest Practices Setback of less than 30 feet existed on the date that the relevant code was last amended, that setback may be maintained. Where there is such a nonconforming setback, for certain types of development, the Primary Fire Safety Zone is required only to the full extent of that nonconforming setback as it existed on the date that the relevant code was last amended. In addition, the amendments clarify the intent of the current code by making clear that, where at least a portion of a replaced or restored dwelling will be within 100 feet of the existing dwelling, rather than in the same location, current setback standards must be met.

(2) Ordinance 1242, adopted February 23, 2017, more clearly delineated the features and facilitates that may be approved for accessory structures and provided additional opportunities for the siting of small accessory structures, fences, and retaining walls. Prior to enactment of Ordinance 1242, accessory structures permitted under the Allowed Use provisions in the CFU zones were required to be located within 100 feet of the dwelling. The phrase “located within 100 feet of the dwelling” previously used in the CFU zones was deleted from the code when that language was inadvertently removed within Ordinance 1242. This ordinance corrects that inadvertent removal by inserting the same phrase back into Accessory Structure provisions applicable to Allowed Uses within the CFU Zones.

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

None.

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

This ordinance clarifies the intent of existing policy and corrects an error. Adoption by emergency is appropriate to ensure that the updated standards are in place as soon as possible.

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

The Planning Commission held a public hearing on September 10, 2018 during which all interested persons were given an opportunity to appear and be heard. No public testimony was provided at that hearing. The Planning Commission recommended adoption of this ordinance. Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, prior to the Planning Commission hearing on this ordinance, the County mailed notices to individual property owners as required by ORS 215.203 (commonly known as Ballot Measure 56 notice).

The Planning Commission has recommended combining, reconciling, and reorganizing ten existing chapters of zoning and certain development regulations, including MCC Chapters 33, 35 and 36, into one new chapter, Multnomah County Code Chapter 39, *Zoning Code of Multnomah County, Oregon*. The ordinance provides direction on how these amendments will be added and codified when Chapter 39 becomes effective.

Required Signature

**Elected
Official or
Department**

Director: Kim Peoples /s/

Date: September 19, 2018