

ANNOTATED MINUTES

Thursday, July 27, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Vice-Chair Lonnie Roberts convened the meeting at 9:31 a.m., with Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present, and Chair Diane Linn excused.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER CRUZ,
SECONDED BY COMMISSIONER NAITO, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-2)
WAS UNANIMOUSLY APPROVED.**

SHERIFF'S OFFICE

- C-1 Government Revenue Agreement 0607005 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances
- C-2 Government Revenue Agreement 0607006 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

REGULAR AGENDA **PUBLIC COMMENT**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

NO ONE WISHED TO COMMENT.

DEPARTMENT OF COMMUNITY SERVICES

- R-1 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36, 37 and 38 to Make Technical Corrections, Update Code Relating to Forest Zones, Change Decision Maker for Certain New Dwellings in Forest Zones, Improve Consistency of Property Line

Adjustment Review Procedures and Approval Criteria, Add Mandated State of Oregon Approval Criteria, and Correct the Plan and Zoning Designation for Two Properties

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF SECOND READING AND ADOPTION. GARY CLIFFORD PRESENT TO RESPOND TO QUESTIONS. NO ONE WISHED TO TESTIFY. ORDINANCE 1079 UNANIMOUSLY ADOPTED.

- R-2 NOTICE OF INTENT to Apply for a Grant from the Oregon Bicycle and Pedestrian Program for Multnomah County

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-2. KAREN SCHLLING INTRODUCED NEW EMPLOYEE, BICYCLE AND PEDESTRIAN COORDINATOR MARK ASHBY. MR. ASHBY EXPLANATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF LIBRARY SERVICES

- R-3 NOTICE OF INTENT to Apply for a Library Services and Technology Act (LSTA) Grant from the Oregon State Library for "Planning Adult Literacy Services for Multnomah County Library"

COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-3. JANE SALISBURY EXPLANATION. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF COUNTY MANAGEMENT

- R-4 NOTICE OF INTENT to Apply for Grant Funding from the U.S. Environmental Protection Agency for Promotion of Environmentally Preferable Purchasing and Toxics Reduction

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL

***OF R-4. MOLLY CHIDSEY EXPLANATION AND
RESPONSE TO QUESTION OF COMMISSIONER
ROBERTS. NOTICE OF INTENT UNANIMOUSLY
APPROVED.***

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Multnomah County Board of Commissioners and convene as the Public Contract Review Board)

- R-5 ORDER Approving an Exemption to Increase the Amount of the Contract with Erwin Construction Company Beyond the 33% Limit for the Elections Building Combined Upgrade Project

***COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-5. GAIL RUBIN, JOHN LINDENTHAL AND
CLARK JURGEMEYER EXPLANATION AND
RESPONSE TO BOARD QUESTIONS AND
DISCUSSION ON ISSUES INCLUDING REASON
FOR EXEMPTION REQUEST; SCOPE OF
PROJECT; PROJECT CHANGES, ERRORS AND
OMISSIONS; PLANS FOR PROCESS
IMPROVEMENTS; AND ADA COMPLIANCE.
ORDER 06-133 UNANIMOUSLY ADOPTED.***

(Adjourn as the Public Contract Review Board and reconvene as Multnomah County Board of Commissioners)

NON-DEPARTMENTAL

- R-6 RESOLUTION Designating Commissioner Lonnie Roberts and Commissioner Lisa Naito to Coordinate the County's Legislative Policy and Communications

***COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-6. COMMISSIONER ROBERTS MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF AMENDMENT ADDING "IN COLLABORATION
WITH THE CHAIR AND OTHER
COMMISSIONERS" TO THE PROPOSED
RESOLUTION TITLE. COMMISSIONERS ROJO***

AND CRUZ STATED THE AMENDMENT WAS NOT NECESSARY AS THE BOARD RESOLUTION DESIGNATES TWO OF ITS MEMBERS TO COORDINATE BOARD APPROVED POLICY. AMENDMENT FAILED WITH COMMISSIONERS ROBERTS AND NAITO VOTING AYE AND COMMISSIONERS CRUZ AND ROJO VOTING NO. MARY ANN SCHWAB TESTIMONY ADVISING SHE SUPPORTS AND WANTS TO HAVE ACCESS TO THE COUNTY LOBBYIST. COMMISSIONER NAITO EXPLAINED THAT THE PROPOSED RESOLUTION DESIGNATES COMMISSIONERS ROBERTS AND NAITO TO COORDINATE THE COUNTY'S LEGISLATIVE POLICY AND COMMUNICATIONS WITH THE ASSISTANCE OF THE PUBLIC AFFAIRS OFFICE AND THAT THEY WILL BRING LEGISLATIVE ISSUES FORWARD FOR BOARD DISCUSSION AND AGREEMENT. MS. SCHWAB ADVISED SHE WANTS SUPPORT ON A BEER TAX PROPOSAL. COMMISSIONER ROJO THANKED COMMISSIONERS ROBERTS AND NAITO. RESOLUTION 06-134 UNANIMOUSLY ADOPTED.

There being no further business, the regular meeting was adjourned and the briefing convened at 10:06 a.m.

Thursday, July 27, 2006 - 9:55 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Proposed Lease of Additional Space at 421 SW Oak Street, Portland, Oregon. Presented by Doug Butler. 10 MINUTES REQUESTED.

**DOUG BUTLER PRESENTATION AND RESPONSE
TO BOARD QUESTIONS AND COMMENTS.**

There being no further business, the briefing adjourned at 10:28 a.m.

Thursday, July 27, 2006 - 10:05 AM
(OR IMMEDIATELY FOLLOWING BOARD BRIEFING)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.

EXECUTIVE SESSION NOT NEEDED.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Serena Cruz Walsh, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: district3@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: lonnie.j.roberts@co.multnomah.or.us

On-line Streaming Media, View Board Meetings
www.co.multnomah.or.us/cc/live_broadcast.shtml

On-line Agendas & Agenda Packet Material
www.co.multnomah.or.us/cc/agenda.shtml

Americans with Disabilities Act Notice: If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or the City/County Information Center TDD number (503) 823-6868, for information on available services and accessibility.

JULY 27, 2006 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:30 a.m. Second Reading Possible Adoption of an Ordinance Amending MCC Chapters 33, 34, 35, 36, 37 and 38 to Make Technical Corrections, Clarifications and Additions Relating to Forest Zones, Property Line Adjustments, Approval Criteria, and Plan and Zoning Designations
Pg 3	9:50 a.m. Resolution Designating Commissioners Roberts and Naito to Coordinate County's Legislative Policy and Communications
Pg 3	9:55 a.m. Briefing on Proposed Lease of Additional Space at 421 Oak Street
Pg 4	10:05 a.m. if needed Executive Session

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, 11:00 PM, Channel 30
Saturday, 10:00 AM, Channel 30
Sunday, 11:00 AM, Channel 30

Produced through MetroEast Community Media
(503) 667-8848, ext. 332 for further info
or: <http://www.mctv.org>

Thursday, July 27, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **SHERIFF'S OFFICE**

- C-1 Government Revenue Agreement 0607005 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances
- C-2 Government Revenue Agreement 0607006 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

REGULAR AGENDA - 9:30 AM **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEPARTMENT OF COMMUNITY SERVICES - 9:30 AM

- R-1 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36, 37 and 38 to Make Technical Corrections, Update Code Relating to Forest Zones, Change Decision Maker for Certain New Dwellings in Forest Zones, Improve Consistency of Property Line Adjustment Review Procedures and Approval Criteria, Add Mandated State of Oregon Approval Criteria, and Correct the Plan and Zoning Designation for Two Properties
- R-2 NOTICE OF INTENT to Apply for a Grant from the Oregon Bicycle and Pedestrian Program for Multnomah County

DEPARTMENT OF LIBRARY SERVICES - 9:35 AM

- R-3 NOTICE OF INTENT to Apply for a Library Services and Technology Act (LSTA) Grant from the Oregon State Library for "Planning Adult Literacy Services for Multnomah County Library"

DEPARTMENT OF COUNTY MANAGEMENT - 9:40 AM

- R-4 NOTICE OF INTENT to Apply for Grant Funding from the U.S. Environmental Protection Agency for Promotion of Environmentally Preferable Purchasing and Toxics Reduction

PUBLIC CONTRACT REVIEW BOARD - 9:45 AM

(Recess as the Multnomah County Board of Commissioners and convene as the Public Contract Review Board)

- R-5 ORDER Approving an Exemption to Increase the Amount of the Contract with Erwin Construction Company Beyond the 33% Limit for the Elections Building Combined Upgrade Project

(Adjourn as the Public Contract Review Board and reconvene as Multnomah County Board of Commissioners)

NON-DEPARTMENTAL - 9:50 AM

- R-6 RESOLUTION Designating Commissioner Lonnie Roberts and Commissioner Lisa Naito to Coordinate the County's Legislative Policy and Communications

Thursday, July 27, 2006 - 9:55 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Proposed Lease of Additional Space at 421 SW Oak Street, Portland, Oregon. Presented by Doug Butler. 10 MINUTES REQUESTED.

Thursday, July 27, 2006 - 10:05 AM
(OR IMMEDIATELY FOLLOWING BOARD BRIEFING)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.



Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214-3587
Email: mult.chair@co.multnomah.or.us

Phone: (503) 988-8308
FAX: (503) 988-3093

MEMORANDUM

TO: Commissioner Maria Rojo de Steffey
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad
FROM: Delma Farrell
DATE: 7/26/2006
RE: Board Briefing/Meeting Excused Absences

Chair Linn is ill and unable to attend today's Board meeting.

c: Chair's Office



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 07/18/06

BUDGET MODIFICATION: -

Agenda Title: Government Revenue Agreement 0607005 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	July 27, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Brad Lynch		
Phone:	503-988-4336	Ext.	84336
		I/O Address:	503/350
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Approval of government contract 0607005

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

Under the terms of this agreement the County, through the Sheriff's Office agrees to provide general investigative police service to METRO for enforcement of METRO ordinances, including those related to flow control and solid waste management. The Sheriff's Office has been providing these services to METRO since 1994. The agreement shall be effective from July 1, 2006 through June 30, 2007.

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

Metro agrees to compensate the Sheriff's Office for providing this service in an amount not to exceed \$193,800.00. This funding has been anticipated and is part of the FY 07 budget.

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

This agreement has been reviewed by the County Attorney's office.

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

None other than stated above.

Required Signatures

**Department/
Agency Director:**



Date: 07/18/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0607005

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached

Amendment #: _____

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Sheriff's Office

Division/

Program: Enforcement

Date: 07/06/06

Originator: Chief Deputy Timothy Moore

Phone: 503-988-4409

Bldg/Room: 503/350

Contact: Brad Lynch

Phone: 503-988-4336

Bldg/Room: 503/350

Description of Contract: Investigative and enforcement services for solid waste ordinances.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) 0405126, 0310512, 0210309

EEO CERTIFICATION EXPIRES

PROCUREMENT
EXEMPTION OR
CITATION #

46-0130(1)(f)

ISSUE
DATE:

EFFECTIVE
DATE:

END
DATE:

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor	Metro Solid Waste & Recycling			Remittance address (if different)	
Address	600 NE Grand				
City/State	Portland, Oregon			Payment Schedule / Terms:	
ZIP Code	97232			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-797-1678			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	07/01/06	Term Date	06/30/07	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$ 193,800.00			Original PA/Requirements Amount	\$
Total Amt of Previous Amendments	\$			Total Amt of Previous Amendments	\$
Amount of Amendment	\$			Amount of Amendment	\$
Total Amount of Agreement \$	\$ 193,800.00			Total PA/Requirements Amount	\$

REQUIRED SIGNATURES:

Department Manager _____

DATE _____

County Attorney _____

DATE _____

CPCA Manager _____

DATE _____

County Chair _____

DATE 07-27-06

Sheriff _____

DATE 07-18-06

Contract Administration _____

DATE _____

COMMENTS:

APPROVED: MULTNOMAH COUNTY

BOARD OF COMMISSIONERS

AGENDA # C-1 DATE 07-27-06

DEBORAH L. BOGSTAD, BOARD CLERK

LYNCH Brad B

From: WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]
Sent: Monday, July 10, 2006 4:40 PM
To: LYNCH Brad B
Cc: DUNAWAY Susan M
Subject: RE: Contract Review Request - Metro (Investigations & Work Crew Cleanup)

These contracts may be circulated for signature.

-----Original Message-----

From: LYNCH Brad B
Sent: Friday, July 07, 2006 8:26 AM
To: WEBER Jacquie A
Cc: DUNAWAY Susan M
Subject: Contract Review Request - Metro (Investigations & Work Crew Cleanup)

Good morning Jacquie. I've attached copies of the agreements from Metro, along with respective APR and CAF docs. There are two separate agreements, one for investigative and enforcement services for waste ordinances; they reimburse us for our two deputies assigned to them. The other is for inmate work crew services to clean up illegal dumpsites.

Thank you,

<<Metro Investigations Agreement 2006-2007.pdf>> <<Metro Work Crews Agreement 2006-2007.pdf>> <<Metro Investigations CAF 2006-2007.doc>> <<Metro Work Crews CAF 2006-2007.doc>> <<METRO Investigations APR 2006-2007.doc>> <<METRO Work Crews APR 2006-2007.doc>>

Brad Lynch

Multnomah County Sheriff's Office
Fiscal Unit
501 SE Hawthorne Blvd. STE 350
Portland, OR 97214
Phone (503) 988-4336
Fax (503) 988-4317

email: brad.lynch@mcso.us
<http://www.co.multnomah.or.us/sheriff/>

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

7/11/2006

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010, et seq. and ORS 206.345 between MULTNOMAH COUNTY by and through the Multnomah County Sheriffs Office (COUNTY) and METRO.

RECITALS

WHEREAS, Multnomah County (hereinafter "COUNTY") is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, the Multnomah County Sheriff is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY, pursuant to ORS 206.345; and

WHEREAS, METRO is a municipal corporation formed and operating under state law and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq. and

WHEREAS, METRO desires to contract with the COUNTY for the performance of certain law enforcement functions, related to METRO's purpose and authority, to be performed by the COUNTY through the Multnomah County Sheriffs Office (hereinafter "MCSO"); and

WHEREAS, the COUNTY through the MCSO is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

INVESTIGATION

1. The COUNTY shall provide general investigative police service to METRO at Metro's direction. Such police service shall include:
 - (a) Enforcement of all duly enacted ordinances of METRO, including those related to flow control investigation and solid waste management;
 - (b) Random and directed surveillance of persons collecting, transporting, storing, treating and disposing of solid and liquid waste to ensure such persons are complying with applicable laws relating to waste management;
 - (c) At METRO's request, investigation, case preparation, and prosecution assistance in cases involving offenses (including, but not limited to fraud, racketeering, and material breach of contract) allegedly committed by vendors, contractors, or subcontractors doing business with METRO or by facilities, firms or individuals subject to METRO ordinances and regulations, or by law or agreement;
 - (d) Investigations of suspected violations of environmental laws, rules, and ordinances; and
 - (e) Other general investigative work as requested by Metro.

2. In accordance with ORS 206.345(2), during the existence of this Agreement, the sheriff and the deputies of the sheriff shall exercise such authority as may be vested in them by law or by terms of this Agreement, including full power and authority to cite violators, arrest for violations of applicable criminal laws, and take other enforcement action for violations of all duly enacted ordinances of METRO relating to flow control and waste management.

PERSONNEL MATTERS

3. The COUNTY shall provide for the performance of the duties hereunder two (2) FTE deputy sheriffs. These persons are hereinafter referred to as "ASSIGNED PERSONNEL." For the purpose of this Agreement, one (1.0) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
4. One or more of the deputy sheriffs provided hereunder may be provided by a law enforcement agency other than MCSO. In such event, the other law enforcement agency hereinafter shall be referred to as a "PARTICIPATING AGENCY."
5. The deputy sheriffs provided as ASSIGNED PERSONNEL shall be certified in their respective disciplines by the State's Department of Public Safety Standards and Training.
6. For ASSIGNED PERSONNEL that have been assigned to METRO for one year or longer, METRO shall pay one-half of personnel costs for absences due to general law enforcement training. Metro shall not pay personnel costs for absences due to specialized law enforcement training that does not relate directly to the services provided under the terms of this Agreement.
7. The ASSIGNED PERSONNEL provided hereunder by MCSO or a PARTICIPATING AGENCY shall be and remain employees of the COUNTY or PARTICIPATING AGENCY. The ASSIGNED PERSONNEL shall be supervised by MCSO and shall perform their duties in accordance with the administrative and operational procedures of MCSO. Metro shall nevertheless retain the right, upon request and for cause stated, to have ASSIGNED PERSONNEL removed from assignment under this Agreement and replaced by other ASSIGNED PERSONNEL meeting the requirements of this Agreement.
8. METRO does not assume any liability for the direct payment of any wages, salaries, or other compensation to ASSIGNED PERSONNEL performing services pursuant to the terms of this Agreement or for any other liability not provided for in this Agreement.
9. The COUNTY shall maintain Workers' Compensation insurance coverage for ASSIGNED PERSONNEL, either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.
10. Matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment regarding ASSIGNED PERSONNEL under this Agreement shall be governed by the provisions of existing collective bargaining agreements between the ASSIGNED PERSONNEL's bargaining unit and their public employer.

11. All labor disputes arising out of this Agreement shall be governed by the provisions of applicable collective bargaining agreements in effect during this Agreement, and the personnel rules of the COUNTY or PARTICIPATING AGENCY.
12. The COUNTY and METRO acknowledge that the ASSIGNED PERSONNEL will be absent from duty for various reasons, including but not limited to vacation, holiday, illness, injury, training, leave of absence, and administrative leave. The COUNTY and METRO also acknowledge that some employee absences are the result of paid leave that the ASSIGNED PERSONNEL earn and are entitled to take. The COUNTY and METRO also acknowledge that some employee absences are the result of actions taken by the employer, with or without the employee's consent. In accordance with the foregoing acknowledgments:
 - (a) Except as provided in subsection (b) below, The COUNTY will not be responsible or otherwise obligated to replace any ASSIGNED PERSONNEL who is absent due to paid accrued leave, including but not limited to: vacation, holiday, sick leave or who is absent while participating in training directly related to the services-required by METRO. However, the COUNTY will make a good faith effort to schedule known, projected absences so as to minimize the impact on the COUNTY's ability to perform under this Agreement.
 - (b) This subsection provides when the COUNTY may invoice METRO, and when METRO shall pay, the personnel costs of an ASSIGNED PERSON in the event the COUNTY or PARTICIPATING AGENCY does not replace such ASSIGNED PERSON when the ASSIGNED PERSON is absent from work. For ASSIGNED PERSONNEL that have been assigned to METRO for six months or longer, METRO shall pay personnel costs for absences due to vacation leave and sick leave, up to a total combined annual maximum of 120 hours. For ASSIGNED PERSONNEL that have been assigned to METRO for less than six months, the COUNTY will not invoice METRO for such personnel costs and METRO shall not pay for such personnel costs. In no event shall the COUNTY invoice METRO, and METRO shall not pay, for such personnel costs due to any kind of absence other than for vacation and sick leave, as provided in this subsection and training as provided in subsection 6 of the agreement.
13. The COUNTY shall rotate the deputy sheriffs assigned to METRO at staggered intervals such that the METRO program does not have both of its deputy sheriffs rotated out of the program within less than one year of each other.

OFFICE SPACE

14. METRO shall provide the ASSIGNED PERSONNEL with sufficient office space, to include payment of costs for utilities, including telephone service, at METRO's premises or at a site mutually agreed upon by the COUNTY and METRO.

EQUIPMENT PURCHASE, USE AND DISPOSITION

15. Materials and supplies will be purchased for the use of ASSIGNED PERSONNEL as provided hereunder. For the purpose of this Agreement, "materials" includes capital equipment with a unit cost of \$1,000 or more. "Supplies" includes any item with a unit cost of less than \$1,000.
16. METRO shall purchase all materials and supplies necessary for the performance of this Agreement.
17. All vehicles and equipment purchased by METRO for use in fulfilling this Agreement, including capital equipment, shall be owned by METRO but under the control of the COUNTY for the COUNTY's use in performing its duties under this Agreement. Such vehicles and equipment shall not be used for any other purpose unless specifically authorized by Metro or unless exigent circumstances necessitate the use of such vehicles and equipment for non-Metro related law enforcement activity by ASSIGNED PERSONNEL. The COUNTY shall assume liability for damage to any Metro vehicles or equipment while being used for non-Metro law enforcement-related purposes. Upon termination of this Agreement, control of all remaining materials and supplies purchased hereunder, including capital equipment, shall revert to METRO.
18. Notwithstanding the provisions of section 17, above, METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies at a price mutually agreed upon by the parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY shall give METRO notice of the COUNTY's intent to exercise any option that may be granted under this section within 60 days following termination of this Agreement.

CONTRACT COSTS

19. METRO shall pay COUNTY for all costs, services performed, and materials delivered for the term of this Agreement. By February 1 of each year, the MCSO shall provide METRO with a good faith projection of the cost of this Agreement for the following fiscal year. The actual amount to be paid by METRO will be determined through mutual agreement of the parties prior to each anniversary date of the execution of this Agreement. The amount to be paid by METRO for the term of the Agreement will not exceed ONE HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED AND NO/100THS DOLLARS 193,800.00). This maximum sum includes all fees, costs, and expenses of whatever nature to which COUNTY may become entitled for the term of this Agreement. All costs listed on Exhibit A, which is The Budget for the Agreement prepared by COUNTY, are on a "not to exceed" basis, and shall be billed quarterly for costs incurred, services performed, and materials delivered during the previous quarter. COUNTY shall submit itemized billings to METRO within 15 days of the end of each quarter of the contract year, and METRO shall make payment to COUNTY within 30 days of receipt of approved billings.

INDEMNIFICATION AND LIABILITY

20. The COUNTY shall indemnify, defend, and hold harmless METRO, its officers, employees, and agents from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of the ASSIGNED PERSONNEL acting pursuant to the terms of this Agreement, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.
21. METRO shall indemnify, defend, and hold harmless the COUNTY, its officers, employees, and agents, including ASSIGNED PERSONNEL from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of METRO or its assignees, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.

DISPUTE RESOLUTION

22. While the parties have attempted to make an Agreement anticipating and addressing their concerns, METRO and the COUNTY acknowledge the possibility that a claim, controversy, or dispute may arise out of this Agreement. METRO and the COUNTY agree that each party has an obligation and affirmative duty to make a good faith effort to resolve any claim, controversy, or dispute, including the giving of timely, written notification thereof to the other party.
23. All claims, controversies or disputes which arise out of this Agreement, and which have not been resolved through good faith efforts of the parties, shall be resolved by arbitration in accordance with the then effective arbitration rules of the Arbitration Service of Portland or the American Arbitration Association, whichever organization is selected by the party who first initiates arbitration by filing a claim in accordance with the rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

24. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
25. METRO designates its Solid Waste & Recycling Department Director or his designee to represent METRO in all matters pertaining to administration of this Agreement.
26. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff
501 SE Hawthorne Blvd., Ste 350
Portland, Oregon 97214

Solid Waste & Recycling Department Director
METRO
600 NE Grand Avenue
Portland, Oregon 97232

CONTRACT TERM, MODIFICATION, AND TERMINATION

27. This Agreement shall be effective from the 1st day of July, 2006, and shall run through the 30th day of June 2007, unless extended.
28. Either party to this Agreement may terminate said Agreement by giving the other party not less than 90 days written notice.
29. This Agreement may be modified or amended by agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.
30. This Agreement is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than the parties to this Agreement. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

MULTNOMAH COUNTY

By: Bernie Giusto, Jr.
Bernie Giusto, Sheriff

Date: 07-28-06

By: David Lind
County Chair or Designee

Date: July 27, 2006

APPROVED AS TO FORM:
Multnomah County Attorney

By: _____
Assistant County Attorney

Date: _____

METRO

By: Michael Jordan
Michael Jordan,
Chief Operating Officer

Date: 6/28/06

APPROVED AS TO FORM:
Metro Attorney

By: Paul Garahan
Paul Garahan
Assistant Metro Attorney

Date: 6/15/06

SK:mb
S:\REM\kraten\Contracts\MCSO\FY06-07_enf.DOC
Queue

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-1 DATE 07.27.06

DEBORAH L. BOGSTAD, BOARD CLERK



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 07/18/06

BUDGET MODIFICATION: -

Agenda Title: Government Revenue Agreement 0607006 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	July 27, 2006	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Corrections
Contact(s):	Brad Lynch		
Phone:	503-988-4336	Ext.	84336
	I/O Address:		503/350
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Approval of government contract 0607006.

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

Under the terms of this agreement the County, through the Sheriff's Office agrees to provide supervised inmate work crews to clean up illegal dumpsites within the jurisdictional boundaries of METRO. The Sheriff's Office has been providing these services to METRO since 1994. The agreement shall be effective from July 1, 2006 through June 30, 2007.

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

Metro agrees to compensate the Sheriff's Office for providing this service in an amount not to exceed \$170,600.00. This funding has been anticipated and is part of the FY 07 budget.

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

This agreement has been reviewed by the County Attorney's office.

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

None other than stated above.

Required Signatures

**Department/
Agency Director:**



Date: 07/11/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0607006

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached

Amendment #:

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department:: Sheriff's Office

Division/

Program: Corrections

Date: 07/06/06

Originator: Chief Deputy Ronald Bishop

Phone: 503-988-4308

Bldg/Room: 503/350

Contact: Brad Lynch

Phone: 503-988-4336

Bldg/Room: 503/350

Description of Contract: Provide inmate work crews for illegal dumpsite clean-up.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) 0405125, 0310512, 0210309

EEO CERTIFICATION EXPIRES

PROCUREMENT
EXEMPTION OR
CITATION #

46-0130(1)(f)

ISSUE
DATE:

EFFECTIVE
DATE:

END
DATE:

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor	Metro Solid Waste & Recycling		Remittance address (if different)	
Address	600 NE Grand			
City/State	Portland, Oregon		Payment Schedule / Terms:	
ZIP Code	97232		<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-797-1678		<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#			<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	07/01/06	Term Date	06/30/07	
Amendment Effect Date		New Term Date		
Original Contract Amount	\$ 170,600.00		Original PA/Requirements Amount	\$
Total Amt of Previous Amendments	\$		Total Amt of Previous Amendments	\$
Amount of Amendment	\$		Amount of Amendment	\$
Total Amount of Agreement	\$ 170,600.00		Total PA/Requirements Amount	\$

REQUIRED SIGNATURES:

Department Manager

DATE

County Attorney

DATE

CPCA Manager

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

COMMENTS:

APPROVED : MULTNOMAH COUNTY

BOARD OF COMMISSIONERS

AGENDA # C-2 DATE 07-27-06

DEBORAH L. BOGSTAD, BOARD CLERK

LYNCH Brad B

From: WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]
Sent: Monday, July 10, 2006 4:40 PM
To: LYNCH Brad B
Cc: DUNAWAY Susan M
Subject: RE: Contract Review Request - Metro (Investigations & Work Crew Cleanup)

These contracts may be circulated for signature.

-----Original Message-----

From: LYNCH Brad B
Sent: Friday, July 07, 2006 8:26 AM
To: WEBER Jacquie A
Cc: DUNAWAY Susan M
Subject: Contract Review Request - Metro (Investigations & Work Crew Cleanup)

Good morning Jacquie. I've attached copies of the agreements from Metro, along with respective APR and CAF docs. There are two separate agreements, one for investigative and enforcement services for waste ordinances; they reimburse us for our two deputies assigned to them. The other is for inmate work crew services to clean up illegal dumpsites.

Thank you,

<<Metro Investigations Agreement 2006-2007.pdf>> <<Metro Work Crews Agreement 2006-2007.pdf>> <<Metro Investigations CAF 2006-2007.doc>> <<Metro Work Crews CAF 2006-2007.doc>> <<METRO Investigations APR 2006-2007.doc>> <<METRO Work Crews APR 2006-2007.doc>>

Brad Lynch
Multnomah County Sheriff's Office
Fiscal Unit
501 SE Hawthorne Blvd, STE 350
Portland, OR 97214
Phone (503) 988-4336
Fax (503) 988-4317

email: brad.lynch@mcso.us
<http://www.co.multnomah.or.us/sheriff/>

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

7/11/2006

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010, et seq. and ORS 206.345 between MULTNOMAH COUNTY by and through the Multnomah County Sheriffs Office (COUNTY) and METRO.

RECITALS

WHEREAS, Multnomah County (hereinafter "COUNTY") is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, the Multnomah County Sheriff is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY, pursuant to ORS 206.345; and

WHEREAS, METRO is a municipal corporation formed and operating under state law and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq.; and

WHEREAS, METRO desires to contract with the COUNTY for the performance of certain law enforcement functions, related to METRO's purpose and authority, to be performed by the COUNTY through the Multnomah County Sheriffs Office (hereinafter "MCSO"); and

WHEREAS, the COUNTY through the MCSO is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

ILLEGAL DUMPSITE CLEANUP - INMATE WORKCREWS

1. The COUNTY shall provide a minimum of 1.0 FTE and a maximum of 2.0 FTE supervised inmate work crews to clean up illegal dumpsites within the jurisdictional boundaries of METRO. Sites will only be cleaned up as requested by METRO. The COUNTY further agrees that:
 - (a) Each crew will be supervised by one or more corrections officers trained and experienced in managing inmate work crews;
 - (b) Each work crew will be comprised of sentenced, local inmates eligible for outside public works and who pose a minimal threat to the public;
 - (c) Each work crew vehicle will be radio-equipped, self-contained, and furnished with hand and power tools appropriate for each job; and
 - (d) Each work crew supervisor shall be directed to identify and retain through procedures designed to maintain a defensible chain of custody, any evidence that may lead to a successful prosecution of persons dumping waste illegally.
2. The clean-up of dump sites containing known or suspected hazardous materials is beyond the scope, skill, training, and experience of inmate work crews and that an inmate work crew, including inmates and ASSIGNED PERSONNEL, shall not be required to clean-up any dump site where known or suspected hazardous materials are present. In the event the inmate work crew discovers known or suspected hazardous materials at a dumpsite, the work crew supervisor shall immediately cease the cleanup

activity until such time as the site is inspected and declared or made safe by the appropriate hazardous materials authority.

PERSONNEL MATTERS

3. The COUNTY shall provide for the performance of the duties hereunder a minimum of one (1) and a maximum of two (2) FTE corrections officers. These persons are hereinafter referred to as "ASSIGNED PERSONNEL." For the purpose of this Agreement, one (1.0) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
4. The COUNTY shall ensure that at least one of the ASSIGNED PERSONNEL has been assigned to perform the duties hereunder for at least the previous six consecutive months. In other words, the COUNTY may replace one of the ASSIGNED PERSONNEL only if the other ASSIGNED PERSONNEL has been assigned to perform the duties hereunder for at least six months.
5. One or more of the corrections officers provided hereunder may be provided by a law enforcement agency other than MCSO. In such event, the other law enforcement agency hereinafter shall be referred to as a "PARTICIPATING AGENCY."
6. The corrections officers provided by MCSO or a PARTICIPATING AGENCY as ASSIGNED PERSONNEL shall be certified in their respective disciplines by the State's Department of Public Safety Standards and Training.
7. The ASSIGNED PERSONNEL provided hereunder by MCSO or a PARTICIPATING AGENCY shall be and remain employees of the COUNTY or PARTICIPATING AGENCY. The ASSIGNED PERSONNEL shall be supervised by MCSO and shall perform their duties in accordance with the administrative and operational procedures of MCSO. Metro shall nevertheless retain the right, upon request and for cause stated, to have ASSIGNED PERSONNEL removed from assignment under this Agreement and replaced by other ASSIGNED PERSONNEL meeting the requirements of this Agreement.
8. METRO does not assume any liability for the direct payment of any wages, salaries, or other compensation to ASSIGNED PERSONNEL performing services pursuant to the terms of this Agreement or for any other liability not provided for in this Agreement.
9. The COUNTY shall maintain Workers' Compensation insurance coverage for ASSIGNED PERSONNEL, either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.
10. Matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment regarding ASSIGNED PERSONNEL under this Agreement shall be governed by the provisions of existing collective bargaining agreements between the ASSIGNED PERSONNEL's bargaining unit and their public employer.
11. All labor disputes arising out of this Agreement shall be governed by the provisions of applicable collective bargaining agreements in effect during this Agreement, and the personnel rules of the COUNTY or PARTICIPATING AGENCY.
12. The COUNTY and METRO acknowledge that the ASSIGNED PERSONNEL will be absent from duty for various reasons, including but not limited to vacation, holiday,

illness, injury, training, leave of absence, and administrative leave. The COUNTY and METRO also acknowledge that some employee absences are the result of paid leave that the ASSIGNED PERSONNEL earn and are entitled to take. The COUNTY and METRO also acknowledge that some employee absences are the result of actions taken by the employer, with or without the employee's consent. In accordance with the foregoing acknowledgments, the COUNTY and METRO agree that the COUNTY will not be responsible or otherwise obligated to replace any ASSIGNED PERSONNEL who is absent due to paid accrued leave, including but not limited to: vacation, holiday, sick leave or who is absent while participating in training. However, the COUNTY will make a good faith effort to schedule known, projected absences so as to minimize the impact on the COUNTY's ability to perform under this Agreement.

EQUIPMENT PURCHASE, USE AND DISPOSITION

13. Materials and supplies will be purchased for the use of ASSIGNED PERSONNEL as provided hereunder. For the purpose of this Agreement, "materials" includes capital equipment with a unit cost of \$1,000 or more. "Supplies" includes any item with a unit cost of less than \$1,000.
14. METRO shall purchase all materials and supplies necessary for the performance of this Agreement.
15. All vehicles and equipment purchased by METRO for use in fulfilling this Agreement, including capital equipment, shall be owned by METRO but under the control of the COUNTY for the COUNTY's use in performing its duties under this Agreement. Such vehicles and equipment shall not be used for any other purpose unless specifically authorized by Metro. The COUNTY and METRO further agree that upon termination of this Agreement, control of all remaining materials and supplies purchased hereunder, including capital equipment, shall revert to METRO.
16. Notwithstanding the provisions of section 17, METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies at a price mutually agreed upon by the parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY agrees to give METRO notice of the COUNTY's intent to exercise any option that may be granted under this section within 60 days following termination of this Agreement.

CONTRACT COSTS

17. METRO shall pay COUNTY for all costs, services performed, and materials delivered for the term of this Agreement. By February 1 of each year, the MCSO shall provide METRO with a good faith projection of the cost of this Agreement for the following fiscal year. The actual amount to be paid by METRO will be determined through mutual agreement of the parties prior to each anniversary date of the execution of this Agreement. The amount to be paid by METRO for the term of the Agreement will not exceed ONE HUNDRED SEVENTY THOUSAND SIX-HUNDRED AND NO/100THS DOLLARS (\$170,600). This maximum sum includes all fees, costs, and expenses of whatever nature to which COUNTY may become entitled for the term of this Agreement. All costs listed on Exhibit A, which is The Budget for the Agreement prepared by COUNTY, are on a "not to exceed" basis, and shall be billed quarterly for costs incurred,

services performed, and materials delivered during the previous quarter. COUNTY shall submit itemized billings to METRO within 15 days of the end of each quarter of the contract year, and METRO shall make payment to COUNTY within 30 days of receipt of approved billings.

INDEMNIFICATION AND LIABILITY

18. The COUNTY shall indemnify, defend, and hold harmless METRO, its officers, employees, and agents from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of the ASSIGNED PERSONNEL acting pursuant to the terms of this Agreement, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.
19. METRO shall indemnify, defend, and hold harmless the COUNTY, its officers, employees, and agents, including ASSIGNED PERSONNEL from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of METRO or its assignees, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.

DISPUTE RESOLUTION

20. While the parties have attempted to make an Agreement anticipating and addressing their concerns, METRO and the COUNTY acknowledge the possibility that a claim, controversy, or dispute may arise out of this Agreement. METRO and the COUNTY agree that each party has an obligation and affirmative duty to make a good faith effort to resolve any claim, controversy, or dispute, including the giving of timely, written notification thereof to the other party.
21. All claims, controversies or disputes which arise out of this Agreement, and which have not been resolved through good faith efforts of the parties, shall be resolved by arbitration in accordance with the then effective arbitration rules of the Arbitration Service of Portland or the American Arbitration Association, whichever organization is selected by the party who first initiates arbitration by filing a claim in accordance with the rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

22. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
23. METRO designates its Solid Waste & Recycling Department Director or his designee to represent METRO in all matters pertaining to administration of this Agreement.
24. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff
501 SE Hawthorne Blvd., Ste 350
Portland, Oregon 97214

Solid Waste & Recycling Department Director
METRO
600 NE Grand Avenue
Portland, Oregon 97232

CONTRACT TERM, MODIFICATION, AND TERMINATION

25. This Agreement shall be effective from the 1st day of July, 2006, and shall run through the 30th day of June 2007, unless extended.
26. Either party to this Agreement may terminate said Agreement by giving the other party not less than 90 days written notice.
27. This Agreement may be modified or amended by agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.
28. This Agreement is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than the parties to this Agreement. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

MULTNOMAH COUNTY

By: Bernie Giusto (RB)
Bernie Giusto, Sheriff

Date: 7-11-06

By: Steve Lind
County Chair or Designee

Date: July 27, 2006

APPROVED AS TO FORM:
Multnomah County Attorney

By: _____
Assistant County Attorney

Date: _____

METRO

By: Michael Jordan
Michael Jordan,
Chief Operating Officer

Date: 6/20/06

APPROVED AS TO FORM:
Metro Attorney

By: Paul Garahan
Paul Garahan,
Assistant Metro Attorney

Date: 6/15/06

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-2 DATE 07-27-06
DEBORAH L. BOGSTAD, BOARD CLERK



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 06/26/06

BUDGET MODIFICATION: -

Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35 36, 37 and 38 to Make Technical Corrections, Update Code . Relating to Forest Zones, Change Decision Maker for Certain New Dwellings in Forest Zones, Improve Consistency of Property Line Adjustment Review Procedures and Approval Criteria, Add Mandated State of Oregon Approval Criteria, and Correct the Plan and Zoning Designation for Two Properties

Agenda Title:

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested: July 27, 2006
Time Requested: 5 minutes
Department: Community Services
Division: Land Use and Transportation
Contact(s): Gary Clifford, Karen Schilling
Phone: 503-988-3043 **Ext.** 26782 **I/O Address:** 455/116
Presenter(s): Gary Clifford

General Information

1. What action are you requesting from the Board?

Adopt proposed Ordinance. Planning Commission Resolutions PC 04-002, PC 04-005, PC 05-001, PC 05-003, PC 06-003 and PC 06-005 recommend adoption of housekeeping and administrative improvement amendments to all the rural Zoning Code Chapters.

2. Please provide sufficient background information for the Board and the public to understand this issue.

These proposed Zoning Code amendments combine six different Code improvement projects. No new zoning regulations that restrict land uses more than those already existing are proposed. The proposed changes strive to reduce review procedures where appropriate, clarify and consolidate the organization of certain regulations, and make minor technical corrections (housekeeping).

The changes in PC 05-001 and PC 05-003 make the following two permit review changes:

(1) The present approval procedure for new houses on vacant properties in the forest zones includes a public hearing before a Hearings Officer. There is usually only one Hearings Officer meeting a month and there are public notice requirements prior to the meeting which push the meeting date more into the future. Those factors generally result in a longer time frame for a decision on a house application than if the application was reviewed and decided by the Planning Director. As such, this proposal is to make the decision maker on these applications the Planning Director. For most of these applications this should shorten the time to get a decision. There will still be public notice and opportunity for appeal of the Planning Director decision, but if there is no appeal for review by a Hearings Officer, then the Planning Director decision will be the final one at an earlier date than today's process. This change in review procedure is from a "Type 3 Permit" to a "Type 2 Permit."

(2) The second change in review procedures is the addition of an optional set of numerical site development standards that could be used by an applicant for siting a proposed new house. Those approval criteria are specific dimensional requirements that direct locating a new house on the part of a property that will most reduce potential impacts on nearby farm and forestry production, that will allow wildfire safety zones to be maintained, and will give assurance that fire fighting apparatus can reach the dwelling. By meeting this new option, an applicant will not be required to address several more difficult house location approval criteria.

The changes in PC 04-005 primarily clarify how "forest practices setbacks" and "fire safety zones" regulations in the Commercial Forest Use zones are applied to certain land use applications. The improvements include adding a chart that lists by type of structure how the regulations apply to each. "Forest practices setback" is the distances from a structure to a property boundary that is needed to assure that forestry practices being carried out on adjacent properties are unlikely to be impacted by the presence of the structure. "Fire safety zones" are areas extending in all directions around a structure in which vegetation is reduced in order to give sufficient separation to reduce the chance of wildfires either reaching the structure or spread from the structure.

The code amendments in PC 04-002 and PC 06-005 are "housekeeping" in nature that make technical corrections that are discovered while using the code in application reviews.

The amendments in case number PC 06-003 amend the code sections related to property line adjustments which is the review of proposals to shift a common property line between two adjacent parcels. The proposed amendments: (a) Consolidate the approval criteria for property line adjustments into the regulations for each zoning district leaving application procedures in the land division regulation part of the code; (b) Change the approval criteria to be more uniform between all the zoning districts; and (c) Add a clarification to one of the approval criteria regarding required access to a street (recognizing that certain pre-existing Lots of Record may not have direct access to a street and should not be required to obtain direct access)

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

No fiscal impact.

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

No new regulations are proposed. Purpose of amendments are to improve implementation of existing regulations, most of which are required by State of Oregon Administrative Rules.

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

Planning Commission work sessions have been held that were open to the public. Copies of all proposed code changes have been sent to the State Department of Land Conservation and Development as required to give that agency an opportunity to comment on the proposals. No comments were returned by the State agency.

Six public hearings, (one for each project), have been held before the Planning Commission where the public was invited to speak. Public notice in the Oregonian newspaper was given for all work sessions and public hearings. A total of six citizens spoke on these topics before the Planning Commission. The Planning Commission's vote at all six public hearings was unanimous for recommendation of approval to the Board of County Commissioners.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 07/07/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. PC 04-002

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapters 33, 34, 35, and 36 by making technical corrections and "housekeeping" code changes.

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. Periodic review and enactment of "housekeeping" amendments of the Zoning Code is needed as technical errors and unclear provisions are found.
- c. Proposed changes include numbering corrections, language changes and the addition of diagrams that increase understanding of certain development standards.
- d. It was determined that 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). Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Programs web site.
- e. The Planning Commission held a public hearing on September 13, 2004 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

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

ADOPTED this 13th day of September, 2004.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 04-005

Recommend to the Board of County Commissioners the adoption of an ordinance amending the forest zoning districts by clarifying and reorganizing the forest practices setbacks, fire safety zones, and listing of applicable approval criteria for dwellings and accessory buildings in all Commercial Forest Use zones in MCC Chapters 33, 35, and 36.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsections 33.0140, 35.0140, 36.0140 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 the proposed Zoning Code amendments will improve the administration of forest practices setbacks, fire safety zones around structures, and assist staff and property owners in identifying applicable regulations in the review of proposed dwellings and accessory buildings.
- 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 October 4, 2004 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

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

ADOPTED this 4th day of October, 2004.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Irigle, Chair

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 05-001

Recommend to the Board of County Commissioners the adoption of an ordinance amending the forest resource zoning district regulations in MCC Chapters 33, 35, and 36 by changing the land use review classification for certain forest dwellings from "Conditional Uses" to "Review Uses."

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. While working on a program to improve the application process for forest dwellings, the staff and the Planning Commission saw an opportunity to improve the review procedures for new dwellings in the forest zones.
- c. Changing the review procedure for "large acreage," "template," and "heritage tract" dwellings from Conditional Uses (Type III permit) to Review Uses (Type II permit) will allow the decision maker to be the Planning Director instead of a Hearings Officer if there is no appeal. The time to reach the decision will be quicker and, if there is no appeal, a public hearing with all its costs and formality is avoided.
- d. Notice of all applications will continue to be given to all owners of property within 750 feet of the parcel proposed to be built upon, with the opportunity for any of them to appeal a decision of the Planning Director to a public hearing.
- e. 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).
- f. 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 March 7, 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, 35, and 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 7th day of March, 2005.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 05-003

Recommend to the Board of County Commissioners the adoption of an ordinance amending development standards for dwellings and other structures in the Commercial Forest Use 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 33.0140 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 Board of County Commissioners directed the Planning Commission to improve the forest dwelling application process.
- d. As part of that directive, the Planning Commission proposes adding non-discretionary approval criteria to the forest zones for certain dwellings and structures to reduce the time and resources needed for approval.
- e. 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).
- f. Two work sessions and a public hearing were held for this review.
- g. 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 January 9, 2006 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 9th day of January, 2006.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 06-003

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapters 33, 34, 35, and 36 amending the property line adjustment sections of the rural Zoning Code Chapters.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsections 33.0140, 34.0140, 35.0140, 36.0140, 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. Periodic review of the Zoning Code is necessary in order to enact improvements.
- c. There is a need to make changes to the property line adjustment parts of the Zoning Code to eliminate duplicate and unnecessary approval criteria, better consolidate applicable approval criteria, add an approval criteria to the EFU zone that allows needed flexibility for large parcels, and adds property line adjustments as a review use in the Orient Commercial-Industrial zoning district.
- 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). Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Programs web site.
- e. The Planning Commission held a public hearing on June 5, 2006 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 5th day of June, 2006.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 06-005

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapters 33, 34, 35, 36 and 37 by making technical corrections / "housekeeping" code changes and adding certain allowed uses to the OR and OC zoning districts, and correcting the West of Sandy River plan and zoning maps.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsections 33.0140, 34.0140, 35.0140, 36.0140, 37.0710 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. Periodic review and enactment of "housekeeping" amendments of the Zoning Code is needed as technical errors and unclear provisions are found.
- c. The changes included in this proposal include numbering corrections, language clarifications, updates required by state statute revisions, procedure improvements, the addition of four allowed land uses to the Orient Rural Center Residential and the Orient Commercial-Industrial zoning districts which were inadvertently omitted in the adoption of Ordinance #1001, and correction of the West of Sandy River plan and zoning map as shown on Exhibit B.
- 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). Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Programs web site.
- e. The Planning Commission held a public hearing on June 5, 2006 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 35, and 36, and amending the West of Sandy River plan and zoning map is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 5th day of June, 2006.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair



Land Use
Planning
Division

Exhibit A
PC-06-005

Proposed Zoning

MUA-20

OR

1S4E20CC-01300

OCI

1S4E20CC-01200

SE Orient Drive

0 39 78 117 156 Feet

1" = 156 feet



1500 SE 190th Ave.
Portland, OR 97233
503.248.3043 Fax 503.248.3389
Email: land.use.planning@co.multnomah.or.us

This map is based on data from Metro
Multnomah County cannot accept responsibility
for errors, omissions or positional accuracy.
There are no warranties expressed or implied.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35 36, 37 and 38 to Make Technical Corrections, Update Code Relating to Forest Zones, Change Decision Maker for Certain New Dwellings in Forest Zones, Improve Consistency of Property Line Adjustment Review Procedures and Approval Criteria, Add Mandated State of Oregon Approval Criteria, and Correct the Plan and Zoning Designation for Two Properties

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically it is necessary to amend the Zoning Code to make technical corrections, clarifications, and change land use review procedures. This ordinance includes all of these code improvements.
- b. Technical corrections include numbering corrections; deleting references to superseded land use review procedures (historic building permits and special districts); removing non-conforming use related regulations that have been superseded by State Statutes (pre-existing communication facilities and non-conforming signs); updating the review procedure for certain historic building permits to be a Type 4 permit; deleting reference to message board signs because they are not allowed in the rural areas; and adding the definition of "regularly maintained" which was left out of amendments in Ordinance 1064.
- c. The majority of code clarifications involve how forest practices setbacks and fire safety zones are applied in the Commercial Forest Use zoning districts. The forest zone amendments in Part II of this ordinance include four new definitions, a new table showing how the setbacks and fire safety zones are to be applied to specific development proposals, and a reorganization of the forest district regulations by grouping like standards together.
- d. Other clarifications include describing where the mapped zoning district boundary falls in a public road; adding language to the definition of "same ownership" to prevent the inclusion of the seller of a "sales contract" from having "possessory interest" in a property; making corrections to specify that it is the County Road Official that determines the public right-of-way road widths during permit application reviews; removing the words "same ownership" in the approval criteria for a farm dwelling where using that term results in an unintended tie-in with the Lot of Record code section; clarifying the use of the word "adjacent" in a permit requirement; adding a purpose statement and diagram to a driveway location standard; and amending requirements for a "complete application" to match amendments adopted in Section 3 of Ordinance 1065.
- e. Amendments to land use review procedures include changing "Lots of Exception" in all "exception zones" (MUA-20, RR, RC OR and PH-RC) and certain forest dwelling application reviews (Large Acreage, Template, and Heritage Tract Dwellings) from a Type 3 Permit review to a Type 2 Permit review.

- f. Amendments to Zoning Code Chapters implement the concept of moving all approval criteria for property line adjustments to be within the regulations for each zoning districts and to retain the needed procedures and surveying requirements in the land division part of the code.
- g. This ordinance also amends all zoning districts to attain greater uniformity regarding review procedures and specific approval criteria for adjustments to property lines. In addition, a minor clarification to the "access" requirements makes clear that certain Lots of Record are not required to abut a street.
- h. In addition it is proposed to add four land uses to the listed allowed uses in the Orient Rural Center Residential (OR) and Orient Commercial-Industrial (OCI) zoning districts. Those uses were inadvertently omitted during the adoption of the districts in December 2002.
- i. Related to the OR and OCI zoning text corrections, included in this ordinance is a correction of the Comprehensive Plan Map and zoning map designation for two properties that received the OR and OCI zoning designations with the adoption of the West of Sandy River Rural Area Plan (Ordinance No. 1001).
- j. Public hearings on these amendments were held before the Planning Commission where all were approved for recommendation to the Board of County Commissioners.

Multnomah County Ordains as follows:

PART I – TECHNICAL/HOUSEKEEPING CORRECTIONS

Section 1. §§ 33.0005, 34.0005, 35.0005 and 36.0005, Definitions, are amended as follows:

33.0005 Definitions

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

* * *

(H) (1) Habitable dwelling – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (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; and
- (e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 33.6300 ~~and through~~ 33.6650.

34.0005 Definitions

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

* * *

(H) (1) **Habitable dwelling** – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (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; and
- (e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 34.6300 ~~and through~~ 34.6650.

* * *

35.0005 Definitions

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

* * *

(H) (1) **Habitable dwelling** – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (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; and
- (e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 35.6300 ~~and through~~ 35.6650.

* * *

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.

* * *

(H) (1) Habitable dwelling – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (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; and
- (e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 36.6300 ~~and through~~ 36.6650.

* * *

Section 2. §§ 33.0015, 34.0015, 35.0015 and 36.0015, Zoning Map, are amended as follows:

(A) The designations, locations and boundaries of the respective districts and certain combinations thereof described in this Chapter are established as shown by appropriate color designations, symbol or short title identification upon the *Multnomah County Zoning Map*. The *Zoning Map* consists of a series of bound and indexed Sectional Zoning Maps numbered sheets ~~1 through 828~~ until such time as the districts and subdistricts depicted on each respective Sectional Zoning Map are replaced by maps generated as electronic layers within a Geographic Information System (GIS). All GIS Zoning Maps replacing the Sectional Zoning Maps shall be legislatively adopted. The GIS-generated Zoning Maps depicting districts and subdistricts shall be periodically readopted to reflect more accurate mapping information as it becomes available. The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Chapter as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Chapter, the written portion shall control.

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Planning Director of the Division of Land Use Planning.

(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board of ~~County Commissioners~~ shall be deemed to be the accurate depiction of:

(a) ~~the~~ The Zoning Maps first adopted for successive geographic areas from April 19, 1955 through December 11, 1958; and

(b) The Zoning Maps in effect from the date of first adoption through November 15, 1962.

(2) Unless clearly shown otherwise, a zoning district boundary that follows a public right-of way shall be deemed to follow the centerline of the public right-of-way.

Section 3. §§ 33.0520, 34.0520, 35.0520 and 36.0520, Historical Structures and Site Permits, are amended as follows:

* * *

(C) An application for a permit to remove or demolish a building or structure described in this Section shall be subject to the following:

(1) The permit shall not be issued for 120 days following the date of filing, unless otherwise authorized by the Board under subpart (7) of this subsection.

(2) The permit application shall be considered ~~an action~~ a Type IV decision to be initiated by the record owner or the owner's agent, under MCC 33.0705 (B).

(3) Except as otherwise provided in this subsection, the application shall be subject to the applicable provisions of MCC Chapter 33.0700 through 33.0745 and MCC 33.0770 through 33.0775.

(4) A hearing on the application shall be held by the Planning Commission.

(5) The decision of the Planning Commission shall be in the form of a recommendation to the Board.

(a) The Planning Commission may recommend measures to preserve the building or structure, with or without conditions, including by purchase, trade, relocation or by approval of a change of use notwithstanding the use limitations of the district;

(b) The Planning Commission may recommend removal or demolition of the building or structure based upon a finding that practical preservation measures are inadequate or unavailable.

(c) The Planning Commission recommendation shall be based upon findings in relation to the applicable policies of the Comprehensive Plan.

(6) The Planning Commission decision shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced.

(7) The Board shall conduct a de novo hearing on the application under the notice and review procedures of a type IV decision and the approval criteria in (5) above provisions of MCC 33.0770 through 33.0775. The Board may affirm, reverse, or modify the recommendation of the Planning Commission. The approval criteria of MCC 37.0705 shall not apply to the decision.

(8) In the event the Board fails to act on the application within the 120-day period specified in subpart (C) (1) of this subsection, the Building Official may issue the permit.

* * *

Section 4. §§ 33.2010, 33.2210, 33.2410, 33.2610, 34.2610, 35.2010, 35.2210, 35.2610, 36.2010 and 36.2610, Definitions, are amended as follows:

* * *

Same Ownership - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this subsection, the seller of a property by sales contract shall be considered to not have possessory interest.

* * *

Section 5. §§ 33.2630(F), 34.2630(F), 35.2630(F) and 36.2030(D), Conditional Uses are amended as follows:

* * *

- (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; ~~;~~
- (3) ~~That A~~ a home occupation located on high-value farmland may employ only residents of the home;
- (4) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and
- (5) That the home occupation will not unreasonably interfere with other uses permitted in the EFU zoning district.

Section 6. §§ 33.2660, 33.2855, 33.3155, 33.3355, 34.2660, 34.2855, 34.3155, 34.3355, 35.2660, 35.2855, 35.3155, 35.3355, 36.2660, 36.2855 and 36.3155, Dimensional Requirements, are amended as follows:

* * *

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The ~~Planning Commission~~ county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official not otherwise established by Ordinance.

* * *

Section 7. §§ 33.6660, 34.6660, 35.6660 and 36.6660, Criteria for Approval are amended as follows:

* * *

(K) No structure is proposed to be constructed that would not otherwise be allowed in the zoning district.

Section 8. §§ 36.3355, 36.3455 and 36.3550, Dimensional Standards and Development Requirements, are amended as follows:

* * *

(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official not otherwise established by ordinance.

* * *

Section 9. §§ 33.2670, 33.2860, 33.3160, 33.3360, 34.2670, 34.2860, 34.3160, 34.3360, 35.2670, 35.2860, 35.3160, 35.3360, 36.2670, 36.2860, 36.3160, 36.3360, 36.3460 and 36.3560 are amended as follows:

[EFU]

33.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, A an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 33.2660 (A) and (C) are met: or

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 33.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) retain Retain the same lot area that existed prior to the exchange.

[MUA-20]

33.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 33.2800.~~

~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

~~(E) Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.~~

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.2885 are met after the relocation of the common property line; and

* * *

[RR]

33.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.3185 are met after the relocation of the common property line; and

* * *

[RC]

33.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.3385 are met after the relocation of the common property line; and

* * *

[EFU]

34.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 34.7790, Aan adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 34.2660 (A) and (C) are met; or

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 34.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) ~~retain~~ Retain the same lot area that existed prior to the exchange.

[MUA-20]

34.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 34.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.2885 are met after the relocation of the common property line; and

* * *

[RR]

34.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 34.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.3185 are met after the relocation of the common property line; and

* * *

[RC]

34.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 34.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.3385 are met after the relocation of the common property line; and

* * *

[EFU]

35.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 35.7790, Aan adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 35.2660(A) and (C) are met; or

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 35.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) retain- Retain the same lot area that existed prior to the exchange.

[MUA-20]

35.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 35.7790~~~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created. The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.2885 are met after the relocation of the common property line; and

* * *

[RR]

35.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 35.7790~~~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created. The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.3185 are met after the relocation of the common property line; and

* * *

[RC]

35.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 35.7790~~~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.3385 are met after the relocation of the common property line; and

* * *

[EFU]

36.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 36.7790, A ~~n~~ adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 36.2660 (A) and (C) are met; or

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 36.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) retain ~~Retain~~ the same lot area that existed prior to the exchange.

[MUA-20]

36.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 36.7790 the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created.~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.2885 are met after the relocation of the common property line; and

* * *

[RR]

36.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 36.7790 the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created.~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3185 are met after the relocation of the common property line; and

* * *

[PH-RC]

36.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 36.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3385 are met after the relocation of the common property line; and

* * *

[OR]

36.3460 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 36.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3485 are met after the relocation of the common property line; and

(2) At least one of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 1 acre prior to the adjustment and remains 1 acre or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 2 acres in area prior to the adjustment and remains less than 2 acres in area after the adjustment.

[OCI]

36.3560 Property Line Adjustments

(A) Pursuant to the applicable provisions in ~~MCC 36.7790~~ ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

~~(1) No additional lot or parcel is created.~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3585 are met after the relocation of the common property line; and

* * *

Section 10. §§ 33.7970, 34.7970, 35.7970 and 36.7970, Property Line Adjustment, are renumbered and amended as follows:

~~33.7970~~33.7790 Property Line Adjustment

~~34.7970~~34.7790 Property Line Adjustment

~~35.7970~~35.7790 Property Line Adjustment

~~36.7970~~36.7790 Property Line Adjustment

A property line adjustment is the relocation of a common property line between two abutting properties. ~~(A) The Planning Director may approve a property line adjustment based upon findings that the following standards are met: between two properties, in the Rural Area, where an additional lot or parcel is not created and where the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning designation.~~

~~(B) The Planning Director may approve a property line adjustment between two properties in the Rural Area where an additional lot or parcel is not created but where one or both of the adjusted properties are below the minimum lot size established by the applicable zoning district designation. Such an adjustment shall comply with any applicable zoning district standards for a Property Line Adjustment or Lot Line Adjustment.~~

~~(C) Property line adjustments approved under subsections (A) and (B) above shall meet the following additional standards:~~

~~(1)~~(A) No additional lot or parcel shall be created from any parcel by the property line adjustment; and

~~(2)~~(B) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and

~~(3)(C)~~ The adjusted properties shall meet the approval criteria for a property line adjustment as given all dimensional requirements in the underlying zoning district designation except for lot area, and

(4) The right of way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.

(D) The procedure and forms shall be submitted for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.

Section 11. §§ 33.2690, 33.2885, 33.3185, 33.3385, 34.2690, 34.2885, 34.3185, 34.3385, 35.2690, 35.2885, 35.3185, 35.3385, 36.2690, 36.2885, 36.3185, 36.3385, 36.3485, and 36.3585, Access, are amended as follows:

[EFU]

33.2690 Access

~~Any All~~ lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2675(C).

[MUA-20]

33.2885 Access

~~Any All~~ lots and parcels 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, except as provided for Lots of Record at MCC 33.2870(B).

[RR]

33.3185 Access

~~Any All~~ lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3170(B).

[RC]

33.3385 Access

~~Any All~~ lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3370(B).

[EFU]

34.2690 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.2675(C).

[MUA-20]

34.2885 Access

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.2870(B).

[RR]

34.3185 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.3170(B).

[RC]

34.3385 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.3370(B).

[EFU]

35.2690 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2675(C).

[MUA-20]

35.2885 Access

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2870(B).

[RR]

35.3185 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.3170(B).

[RC]

35.3385 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.3370(B).

[EFU]

36.2690 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.2675(C).

[MUA-20]

36.2885 Access

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.2870(B).

[RR]

36.3185 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3170(B).

[PH-RC]

36.3385 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3370(B).

[OR]

36.3485 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3470(B).

[OCI]

36.3585 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3570(B).

Section 12. §§ 33.2625, 34.2625 and 35.2625, Review Uses, are amended as follows:

* * *

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land ~~in the same ownership owned by the farm or ranch operator~~ that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

* * *

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land ~~in the same ownership owned by the farm or ranch operator~~ that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

Section 13. § 36.2625 is amended as follows:

36.2625 Review Uses.

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

* * *

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land ~~in the same ownership owned by the farm or ranch operator~~ that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

* * *

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land ~~in the same ownership owned by the farm or ranch operator~~ that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

(O) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this section is not eligible for replacement under MCC 36.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

(1) The health hardship 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 lands devoted to farm or forest use.

* * *

Section 14. §§ 33.2825, 33.3125, 33.3325, 34.2825, 34.3125, 34.3325, 35.2825, 35.3125, 35.3325, 36.2825, 36.3125, 36.3425, 36.3325 and 36.3525, Review Uses, are amended as follows:

[MUA-20]

33.2825 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 33.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

[RR]

33.3125 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 33.3160:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

[RC]

33.3325 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 33.3360:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

[MUA-20]

34.2825 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 34.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[RR]

34.3125 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 34.3160:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[RC]

34.3325 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 34.3360:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[MUA-20]

35.2825 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 35.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[RR]

35.3125 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 35.3160:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[RC]

35.3325 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 35.3360:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[MUA-20]

36.2825 Review Uses.

* * *

(F) Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.2860:

[RR]

36.3125 Review Uses.

* * *

(F) ~~Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.~~

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.3160:

[PH-RC]

36.3325 Review Uses.

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.3360:

(I) ~~Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.~~

[OR]

36.3425 Review Uses.

* * *

(F) ~~Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.~~

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.3460:

[OCI]

36.3525 Review Uses.

* * *

(E) ~~Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.~~ This use shall not be subject to the Review Uses approval criteria in 36.3527 below.

* * *

(H) Property Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 36.3560.

Section 15. §§ 33.2830, 34.2830, 35.2830 and 36.2830, Conditional Uses, are amended to delete subsection (F) as follows:

* * *

~~(F) Lots of Exception pursuant to the provisions of MCC~~

Section 16. §§ 33.3130, 34.3130, 35.3130 and 36.3130, Conditional Uses, are amended to delete subsection (E) as follows:

* * *

~~(E) Lots of Exception pursuant to the provisions of MCC....~~

Section 17. §§ 33.3330, 34.3330 and 35.3330, Conditional Uses, are amended to delete subsection (G) as follows:

* * *

~~(G) Lots of Exception pursuant to the provisions of MCC....~~

Section 18. § 36.3330 is amended as follows:

36.3330 Conditional Uses.

* * *

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:

* * *

~~(9) Lots of Exception pursuant to the provisions of MCC 36.3360.~~

Section 19. § 36.3430 is amended as follows:

36.3430 Conditional Uses.

* * *

~~(C) Lots of Exception pursuant to the provisions of MCC 36.3460.~~

Section 20. Subsection (H) of §§ 36.2855, 36.3155, 36.3355, 36.3455 and 36.3550, Dimensional Standards and Development Requirements, is amended as follows:

* * *

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

* * *

Section 21. §§ 33.4000, 34.4000 and 35.4000 are amended as follows:

33.4000- Classification of Special Districts

In addition to classification as a base district as provided in MCC 33.2000 through 33.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures 33.0700 through 33.0790. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

34.4000- Classification of Special Districts

In addition to classification as a base district as provided in MCC 34.2000 through 34.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures 34.0700 through 34.0790. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

35.4000- Classification of Special Districts

In addition to classification as a base district as provided in MCC 35.2000 through 35.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures 35.0700 through 35.0790. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

Section 22. § 36.4560 is amended as follows:

36.4560 Criteria for Approval of SEC-h Permit -Wildlife Habitat.

Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).

* * *

(B) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (BA) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (BA), but demonstrates that the alternative conservation measures exceed the standards of Section (BA) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (BA).

* * *

Section 23. Subsection (B) of §§ 33.4570, 34.4570 and 35.4570, Criteria for approval of SEC-h Permit – Wildlife Habitat, is amended as follows:

* * *

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

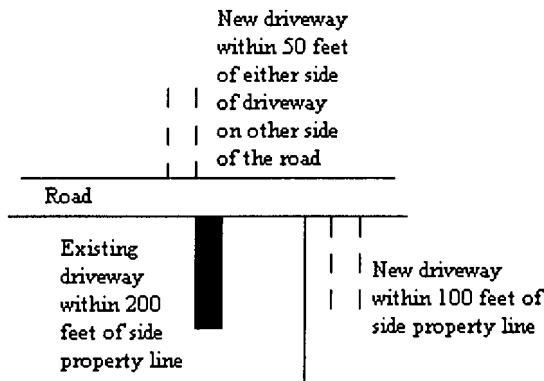
(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of the ~~a side property boundary line~~ if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of ~~the that side property boundary line~~; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of ~~the property boundary~~ a side property line if adjacent property has structures and developed areas within 200 feet of ~~the that common side property boundary line~~.

Section 24. §§ 33.6130, 34.6130, 35.6130 and 36.6130 are deleted as follows:

33.6130 Pre-existing Communication Facilities.

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 33.7200 or MCC 33.6005 through 33.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 33.6125 (A);~~
- ~~(B) The use shall comply with MCC 33.6115 (D), (G), and (H); and~~
- ~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

34.6130 Pre-existing Communication Facilities.

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 34.7200 or MCC 34.6005 through 34.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 34.6125 (A);~~
- ~~(B) The use shall comply with MCC 34.6115 (D), (G), and (H); and~~
- ~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

35.6130 Pre-existing Communication Facilities.

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 35.7200 or MCC 35.6005 through 35.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 35.6125 (A);~~
- ~~(B) The use shall comply with MCC 35.6115 (D), (G), and (H); and~~

~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

~~36.6130 Pre-existing Communication Facilities.~~

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the Facilities) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 36.7200 or MCC 36.6005 through 36.6125, provided that:~~

~~(A) The use shall comply with the NIER standard of MCC 36.6125 (A);~~

~~(B) The use shall comply with MCC 36.6115 (D), (G), and (H); and~~

~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

Section 25. §§ 33.6325, 34.6325 and 35.6325 are amended as follows:

33.6325 Design Review

Uses authorized under this section shall be subject to design review approval under MCC 33.7000 through 33.70657060.

34.6325 Design Review

Uses authorized under this section shall be subject to design review approval under MCC 34.7000 through 34.70657060.

35.6325 Design Review

Uses authorized under this section shall be subject to design review approval under MCC 35.7000 through 35.70657060.

Section 26. §§ 33.7435, 34.7435, 35.7435 and 36.7435 are deleted as follows:

~~33.7435 Non-Conforming Signs~~

~~Non-conforming signs are not subject to the provisions of MCC 33.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:~~

~~(A) Permanent signs in all zones~~

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

34.7435 Non-Conforming Signs

Non-conforming signs are not subject to the provisions of MCC 34.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

(A) Permanent signs in all zones

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

35.7435 Non-Conforming Signs

Non-conforming signs are not subject to the provisions of MCC 35.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

(A) Permanent signs in all zones

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

~~(B) Temporary Signs~~

~~Non-conforming temporary signs shall be removed.~~

36.7435 Non-Conforming Signs.

Non-conforming signs are not subject to the provisions of MCC 36.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

~~(A) Permanent signs in all zones~~

~~In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:~~

~~(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.~~

~~(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.~~

~~(B) Temporary Signs~~

~~Non-conforming temporary signs shall be removed.~~

Section 27. Subsection (B) of §§ 33.7470, 34.7470, 35.7470 and 36.7470, Fascia Signs, is amended as follows:

* * *

(B) Extensions

No point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached, ~~except for electronic message signs which may be up to 24 inches in thickness.~~ Fascia signs may not extend beyond the corner of buildings.

Section 28. §§ 33.6600, 34.6600, 35.6600 and 36.6600, Definitions are amended as follows:

* * *

(B) Motor Vehicle of Special Interest – A motor vehicle satisfying the criteria of a “vehicle of special interest” as defined in the Oregon Vehicle Code (ORS Chapter 801, 2006) ~~paragraph (a) of subsection (4) or paragraph (c) of subsection (6) of ORS 481.205~~ or otherwise unique due to limited production, original production, mechanical or styling oddities, high intrinsic value or produced by a company no longer in existence.

* * *

Section 29. §§ 33.7800, 34.7800, 35.7800 and 36.7800, Criteria for Approval, Category 1 Tentative Plan are amended as follows:

33.7800 Criteria for Approval, Category 1 Tentative Plan.

34.7800 Criteria for Approval, Category 1 Tentative Plan.

35.7800 Criteria for Approval, Category 1 Tentative Plan.

* * *

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of ~~this Chapter~~ the Multnomah County Land Division Ordinance.

* * *

36.7800 Criteria for Approval, Category 1 Tentative Plan.

* * *

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of ~~this Chapter~~ the Multnomah County Land Division Ordinance, and the applicable General Standards and Requirements of MCC 36.7885 through 36.7965.

* * *

Section 30. § 36.2620, Allowed Uses is amended as follows:

* * *

(O) Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, wholly within an EFU district may be maintained, enhanced or expanded:

* * *

Section 31. § 36.4525, Existing Uses is amended as follows:

Uses that legally existed on January 1, 2003 ~~the effective date of this ordinance~~ that are not included as Exceptions in section 36.4520, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

* * *

Section 32. §§ 36.3420 and 36.3520, Allowed Uses are amended as follows:

[OR]

36.3420 Allowed Uses

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in this ordinance.

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005.

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

[OCI]

36.3520 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005.

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

Section 33. § 37.0530, Summary of Decision Making Processes is amended as follows:

37.0530 Summary of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

* * *

Permit Types

* * *

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision.

(1) If there is an appeal of the Planning Director's decision, the Hearings Officer shall conduct a public hearing on the application pursuant to MCC 37.0610. After the Hearings Officer issues a signed decision, the Planning Director may appeal the decision to the Board within seven days. If there is no appeal by the Planning Director, the signed Hearings Officer decision and the information required in MCC 37.0660(D)(1) through (7) shall be mailed to those who submitted written comment, those who requested the decision in writing or provided oral testimony at a hearing on the matter, and DLCD at the discretion of the applicant persons entitled to notice of a Type III Permit decision under MCC 37.0660(D). The mailed decision is the county's final

decision on the application and may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed.

* * *

Section 34. § 37.0560, Code Compliance and Applications is amended as follows:

37.0560 Code Compliance and Applications.

Except as provided in subsection (A), the County shall not make a land use decision; or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

* * *

Section 35. § 37.0590 is amended as follows:

§ 37.0590 Complete Application - Required Information.

Unless stated elsewhere in the Multnomah County Code, a complete application includes all the materials listed in this subsection. The Planning Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within 30 days of when the application is first submitted, the Planning Director may require additional information, beyond that listed in this subsection or elsewhere in the County Code, such as a traffic study or other report prepared by an appropriate expert, where needed to address relevant approval criteria. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. The County will not deem the application complete until all information required by the Planning Director has been submitted. Unless specifically waived by the Planning Director, the following must be submitted:

(A) One copy of a completed county application form that includes the following information:

- (1) An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application.
- (2) Name, address, telephone number and authorization signature of all record property owners or contract owners or a representative for the government agency that has the power of eminent domain, and the name, address and telephone number of the applicant, if different from the property owner(s) or the government agency.

* * *

Section 36. § 37.0700, Expiration and Extension of Type II or Type III Decisions in Exception Areas and Lands Within the UGB is amended as follows:

37.0700 Expiration and Extension of Type II or Type III Decisions in Exception Areas and Lands Within the UGB.

* * *

(C) The Planning Director may extend, ~~prior to its expiration,~~ any approved decision for a period of six months up to an aggregate period of one year; provided, however, that there has been substantial implementation of the permit and the request is submitted prior to the expiration of the approval period. Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type II decision.

* * *

Section 37. § 37.0705, Type IV Quasi-Judicial Plan and Zone Change Approval Criteria is amended as follows:

37.0705 Type IV Quasi-Judicial Plan and Zone Change Approval Criteria.

* * *

(B) Quasi-Judicial Zone Change. The burden of proof is upon the person initiating a zone change request. That burden shall be to persuade that:

* * *

(4) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under this subsection. The existence of home occupations shall not be used as justification for a zone change.

Section 38. § 38.0015 is amended as follows:

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

* * *

Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

* * *

~~**Property line adjustment:** The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.~~ **Regularly maintained:** An area of land that has been previously disturbed and where periodic actions have been taken to:

- (a) keep the area clear of vegetation (e.g., shoulders, utility yards),
- (b) limit the height and type of vegetation (e.g., utility rights-of-way), and/or
- (c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

* * *

Section 39. Amendment of the Comprehensive Plan Map and Zoning Map of the West of Sandy River Rural Area Plan to correct the designations for two properties.

All applicable maps adopted by Ordinance 1001, in particular the Geographic Information System produced map Exhibit E, are amended to make the following correction to the Comprehensive Plan and Zoning District designations for the following two properties:

1. The Plan and Zoning designation of 8141 SE Orient Drive (Map and Tax Lot # 1S4E20CC-01300, Alternate Tax Acct. # R994201760) is changed from Orient Commercial-Industrial (OCI) to Orient Residential (OR) as shown on Exhibit A.
2. The Plan and Zoning designation of 8231 SE Orient Drive (Map and Tax Lot # 1S4E20CC-01200, Alternate Acct # R994200950) is changed from Orient Residential (OR) to Orient Commercial-Industrial (OCI) as shown on Exhibit A.

PART II – FOREST ZONES

Code Clarification & Change Decision Maker for Certain New Dwellings in Forest Zones from Hearings Officer (Type III Review) to Planning Director (Type II Review)

Section 40. §§ 33.0005, 35.0005 and 36.0005, 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.

* * *

(A)(8) **Alteration (Structural)** – Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

* * *

(E)(7) **Expansion** – Any change in the external dimensions of the building or structure and any change to the external footprint.

* * *

(M) (1) **Maintenance** – An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope and configuration of a structure beyond its original design are not included.

(2) **Manufactured Homes** – See Mobile home.

(23) **May** – May is permissive.

(34) **Mobile Home** – A structure transportable in one or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code (the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations). Mobile homes include residential trailers and manufactured homes subject to the siting provisions as specified within the district:

(45) **Mortgage Lot** – An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU districts.

(56) **Motel** – Same as Hotel.

(67) **Multi-Plex Dwelling Structure** – A row house or town house apartment structure.

(78) **Museum** – A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects.

* * *

(R) (9) **Restoration** – To reconstruct a dwelling, building or structure after it has been damaged by fire, other casualty or natural disaster.

(10) **Replacement** – The construction of a new dwelling, building or structure to replace or substitute for the lawfully established dwelling, building or structure. The removal of over 75% of the standing walls and roof structure of an existing dwelling, building or structure qualifies the rebuilding as a replacement dwelling, building or structure.

(911) **Road (County)** – Every public way, thoroughfare, road, street or easement within the County used or intended for use by the general public for vehicular travel, but excluding private driveways.

* * *

Section 41. §§ 33.2220, 33.2020, 33.2420, 35.2020, 35.2220 and 36.2020 are amended as follows:

[CFU-2]

33.2220 Allowed Uses

* * *

(D) ~~Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following as defined in MCC 33.0005.~~

~~(1) The dimensional standards of MCC 33.2260 are satisfied; and~~

~~(2) The development standards of MCC 33.2305(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

~~(E) Replacement of an existing lawfully established *habitable 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 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 33.2260 and the development standards of MCC 33.2305.~~

(~~FE~~) 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;

(~~GE~~) An uninhabitable structure accessory to fish and wildlife enhancement;

(~~HG~~) A caretaker residence for a public park or a fish hatchery;

(~~IH~~) 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;

(~~JI~~) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(~~KI~~) 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;

(~~LK~~) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(~~ML~~) 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;

(~~NM~~) A lookout tower for forest fire protection;

(~~ON~~) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(~~PQ~~) A temporary forest labor camp;

(~~QP~~) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(~~RQ~~) Exploration for geothermal resources;

(~~SR~~) 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;

(~~FS~~) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) and 33.2245. Home occupations as defined by MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448;

(~~UT~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~VU~~) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

33.2020 Allowed Uses

* * *

(D) Alteration, and maintenance, ~~or expansion~~ of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 33.0005.

~~(1) The dimensional standards of MCC 33.2060 are satisfied; and~~

~~(2) The development standards of MCC 33.2105 (A) (5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

(E) Replacement of an existing lawfully established *habitable 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 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 33.2060 and the development standards of MCC 33.2105.~~

(FE) 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;

(GF) An uninhabitable structure accessory to fish and wildlife enhancement;

(HG) A caretaker residence for a public park or a fish hatchery;

(IH) 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;

(JI) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(KJ) 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;

(LK) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(ML) 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;

(NM) A lookout tower for forest fire protection;

(ON) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(~~P~~O) A temporary forest labor camp;

(~~Q~~P) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(~~R~~Q) Exploration for geothermal resources;

(~~S~~R) 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;

(~~T~~S) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) and 33.2045. Home occupations as defined by MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448;

(~~U~~T) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~V~~U) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

[CFU-5]

33.2420 Allowed Uses

* * *

(D) ~~Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 33.0005.~~

~~(1) The dimensional standards of MCC 33.2460 are satisfied; and~~

~~(2) The development standards of MCC 33.2505(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

(E) ~~Replacement of an existing lawfully established *habitable 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 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 33.2460 and the development standards of MCC 33.2505.~~

(~~F~~E) 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~~E) An uninhabitable structure accessory to fish and wildlife enhancement;

(~~H~~G) A caretaker residence for a public park or a fish hatchery;

(~~H~~) 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;

(~~H~~) 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;

(~~T~~) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) and 33.2445. Home occupations as defined by MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448;

(~~U~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~V~~) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

[CFU-3]

35.2020 Allowed Uses

* * *

(D) Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following as defined in MCC 35.0005.

(1) ~~The dimensional standards of MCC 35.2060 are satisfied; and~~

~~(2) The development standards of MCC 35.2105(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

~~(E) Replacement of an existing lawfully established *habitable 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 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 35.2060 and the development standards of MCC 35.2105.~~

~~(FE) 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;~~

~~(GF) An uninhabitable structure accessory to fish and wildlife enhancement;~~

~~(HG) A caretaker residence for a public park or a fish hatchery;~~

~~(HH) 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;~~

~~(JI) Climbing and passing lanes within the right of way existing as of July 1, 1987;~~

~~(KJ) 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;~~

~~(LK) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;~~

~~(ML) 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;~~

~~(NM) A lookout tower for forest fire protection;~~

~~(ON) A water intake facility, canal and distribution lines for farm irrigation and ponds;~~

~~(PO) A temporary forest labor camp;~~

~~(QP) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;~~

~~(RQ) Exploration for geothermal resources;~~

~~(R) ORS 459.049, together with equipment, facilities or buildings necessary for its operation.~~

(~~TS~~) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) and 35.2045. Home occupations as defined by MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448.

(~~UT~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~VU~~) Actions taken in response to an emergency/disaster event as defined in MCC 35.0005 pursuant to the provisions of MCC 35.0535.

[CFU-4]

35.2220 Allowed Uses

* * *

(D) Alteration, and maintenance, ~~or expansion~~ of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 35.0005.

~~(1) The dimensional standards of MCC 35.2260 are satisfied; and~~

~~(2) The development standards of MCC 35.2305(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

(~~E~~) Replacement of an existing lawfully established *habitable 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 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 35.2260 and the development standards of MCC 35.2305.~~

(~~FE~~) 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;

(~~GF~~) An uninhabitable structure accessory to fish and wildlife enhancement;

(~~HG~~) A caretaker residence for a public park or a fish hatchery;

(~~H~~) 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;

(~~I~~) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(~~KJ~~) 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~~K) 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~~L) 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~~M) A lookout tower for forest fire protection;

(~~O~~N) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(~~P~~O) A temporary forest labor camp;

(~~Q~~P) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(~~R~~Q) Exploration for geothermal resources;

(~~S~~R) 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.

(~~T~~S) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) and 35.2045. Home occupations as defined by MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448.

(~~U~~T) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~V~~U) Actions taken in response to an emergency/disaster event as defined in MCC 35.0005 pursuant to the provisions of MCC 35.0535.

[CFU]

36.2020 Allowed Uses.

* * *

(D) Alteration, and maintenance, ~~or expansion~~ of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 36.0005.

(1) ~~The dimensional requirements of MCC 36.2060 are satisfied; and~~

(2) ~~The development standards of MCC 36.2105(A)(5)(c) and (B) are satisfied to the extent possible within the area of an approved yard if the expansion exceeds 400 square feet of ground coverage.~~

* * *

(S) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005 (~~H~~)(~~6~~)(~~a~~) and 36.2045. Home occupations as defined by MCC 36.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448.

(T) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(U) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

(V) Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single family dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.) Ord 977 2/7/02.

Section 42. §§ 33.2025, 33.2225, 33.2425, 35.2025, 35.2225 and 36.2025 are amended as follows:

[CFU-1]

33.2025 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.~~

(B) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2035.

~~Restoration or replacement of a lawfully established habitable 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 33.2060 and the development standards of MCC 33.2105.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2045 and 33.2056.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2045.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2020 (D) or ~~(E)~~; 33.2025 (A) or (B), or 33.2030 (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 pursuant to all applicable approval criteria, including but not limited to MCC 33.2045, 33.2056 and 33.2061.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2070.

* * *

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.~~

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2065, 33.2073 and 33.7700 et seq.

[CFU-2]

33.2225 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.~~

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2235;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2240(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2240(B);

~~Restoration or replacement of a lawfully established *habitable 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 33.2260 and the development standards of MCC 33.2305.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2245 and 33.2256.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2245.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2220 (D) or ~~(E)~~, 33.2225 (A) or (B), or ~~33.2230 (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 pursuant to all applicable approval criteria, including but not limited to MCC 33.2245, 33.2256 and 33.2261.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2270.

* * *

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B)~~ pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2265, 33.2273 and 33.7700 et seq.

33.2425 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.~~

(B) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2440.

~~Restoration or replacement of a lawfully established habitable 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 33.2460 and the development standards of MCC 33.2505.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2445 and 33.2456.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2445.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2420 (D) or (E), 33.2425 (A) or (B), or 33.2430 (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 pursuant to all applicable approval criteria, including but not limited to MCC 33.2445, 33.2456 and 33.2461.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2470.

* * *

(J) Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2465, 33.2473 and 33.7700 et seq.

[CFU-3]

35.2025 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.~~

~~(B) Restoration or replacement of a lawfully established habitable 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 35.2060 and the development standards of MCC 35.2105.~~

~~(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 35.0515, and 35.2045 and 35.2056.~~

(~~DC~~) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 35.2045.

(~~ED~~) A mobile home during the construction or reconstruction of a residence allowed under MCC 35.2020 (D) or (~~E~~), 35.2025 (A) or (B), or 35.2030 (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 pursuant to all applicable approval criteria, including but not limited to MCC 35.2045, 35.2056 and 35.2061.

(~~FE~~) Signs, pursuant to the provisions of MCC 35.7400 through 35.7505.

(~~GF~~) Off-street parking and loading as required by MCC 35.4100 through 35.4220.

(~~HG~~) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2070.

(~~IH~~) Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(~~IJ~~) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.~~

[CFU-4]

35.2225 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Replacement of an existing lawfully established *habitable dwelling* on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2235;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2240(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2240(B).

~~Restoration or replacement of a lawfully established *habitable 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 35.2260 and the development standards of MCC 35.2305.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 35.0515, and 35.2245 and 35.2256.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to 35.2245.

(E) 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 35.2220 (D) or ~~(E)~~, 35.2225 (A) or (B), ~~or 35.2230 (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 pursuant to all applicable approval criteria, including but not limited to MCC 35.2245, 35.2256 and 35.2261.

(F) Signs, pursuant to the provisions of MCC 35.7400 through 35.7505.

(G) Off-street parking and loading as required by MCC 35.4100 through 35.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2270.

* * *

(J) ~~Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.~~

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 35.2265, 35.2273 and 35.7700 et seq.

[CFU]

36.2025 Review Uses.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Replacement of an existing lawfully established habitable dwelling on the same lot – subject to the following:

(1) The existing dwelling 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 requirements of MCC 36.2060 and the development standards of MCC 36.2105.

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2035;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2040(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2040(B).

Restoration or replacement of a lawfully established habitable 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 requirements of MCC 36.2060 and the development standards of MCC 36.2105.

(3) A replacement dwelling located within 200 feet of the original dwelling location shall satisfy the dimensional requirements of MCC 36.2060, and the fire protection standards in MCC 36.2105(A)(5)(c) and (B).

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 36.0515, and 36.2045 and 36.2056.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 36.2045.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 36.2020 (D), or 36.2025 (A) or (B), or 36.2030 (A) or (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 pursuant to all applicable approval criteria, including but not limited to MCC 36.2045, 36.2056 and 36.2061.

(F) Signs, pursuant to the provisions of MCC 36.7400 through 36.7505.

(G) Off-street parking and loading as required by MCC 36.4100 through 36.4215.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 36.2070.

* * *

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.~~

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 36.2065, 36.2073 and 36.7700 et seq.

Section 43. §§ 33.2030, 33.2230, 33.2430, 35.2030, 35.2230 and 36.2030 are amended as follows:

[CFU-1]

33.2030 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 33.2035 and 33.2105.~~

(~~B~~A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2045, 33.2050, 33.2056, 33.2105, 33.2061, 33.6000 through 33.6010, and 33.6100 through 33.6230:

* * *

(~~E~~B) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2045, 33.2050, 33.2056, 33.2105, 33.2061, 33.6300 through 33.6315, 33.6325 through 33.6340, 33.6500 through 33.6535.

* * *

(~~D~~C) Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-1 zoning district..

~~(E) Lots of Exception pursuant to the provisions of MCC 33.2065.~~

[CFU-2]

33.2230 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 33.2235 and 33.2305.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 33.2240 (A), and 33.2305.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 33.2240 (B), and 33.2305.~~

~~(D) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2245, 33.2250, 33.2256, 33.2305, 33.2261, 33.6000 through 33.6010, and 33.6100 through 33.6230.~~

* * *

~~(E) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2245, 33.2250, 33.2256, 33.2305, 33.2261, 33.6300 through 6315, 33.6325 through 33.6340, 33.6500 through 33.6535.~~

* * *

~~(F) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 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;~~

~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-2 zoning district.~~

* * *

~~(G) Lots of Exception pursuant to the provisions of MCC 33.2265.~~

[CFU-5]

33.2430 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) ~~A Template Dwelling pursuant to the provisions of MCC 33.2440, and 33.2505.~~

(~~BA~~) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2445, 33.2450, 33.2456, 33.2505, 33.2461, 33.6000 through 33.6010, and 33.6100 through 33.6230:

* * *

(~~CB~~) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2445, 33.2450, 33.2456, 33.2505, 33.2461, 33.6300 through 33.6315, 33.6325, 33.6330, and 33.6500 through 33.6535:

* * *

(D) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 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;
- (3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and
- (4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-5 zoning district.

(E) ~~Lots of Exemption pursuant to the provisions of MCC 33.2465.~~

[CFU-3]

35.2030 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) The following Community Service Uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 35.2045, 35.2050, 35.2056, 35.2105, 35.2061, 35.6000 through 35.6010, and 35.6100 through 35.6230:

* * *

(B) The following uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 35.2045, 35.2050, 35.2056, 35.2105, 35.2061, 35.6300 through 35.6315, 35.6325 through 35.6340, and 35.6500 through 35.6535:

* * *

(C) Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 35.6650 through 35.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-3 zoning district.

[CFU-4]

35.2230 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 35.2235, 35.2245 (B) and 35.2305.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 35.2240 (A), 35.2245 (B) and 35.2305.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 35.2240 (B), 35.2245 (B) and 35.2305.~~

~~(D) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2245, 35.2250, 35.2256, 35.2305, 35.2261, 35.6000 through 35.6010, and 35.6100 through 35.6230.~~

* * *

~~(E) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2245, 35.2250, 35.2256, 35.2305, 35.2261, 35.6300 through 35.6315, 35.6325 through 35.6340, and 35.6500 through 35.6535.~~

* * *

~~(F) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 35.6650 through 35.6660 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;~~

~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-4 zoning district.~~

* * *

~~(G) Lots of Exception pursuant to the provisions of MCC 35.2265.~~

[CFU]

36.2030 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 36.2035 and 36.2105.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 36.2040 (A) and 36.2105.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 36.2040 (B) and 36.2105.~~

~~(D)~~ (A) The following Community Service Uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 36.2045, 36.2050, 36.2056, 36.2105, 36.2061, and 36.6000 through 36.6020. The applicable criteria of 36.6010 shall be limited to (A) through (H) for uses in this section.

* * *

~~(E)~~ (B) The following uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 36.2045, 36.2050, 36.2056, 36.2105, 36.2061, 36.6300 through 36.6335, and 36.6500 through 36.6535. The applicable criteria of 36.6315 shall be limited to (1) through (7) for the uses in this section:

* * *

~~(F)~~ (C) Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 36.6650 through 36.6660 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;
- (3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and
- (4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU zoning district.

Section 44. §§ 33.2235, 33.2035, 35.2235 and 36.2035 are amended as follows:

[CFU-2]

33.2235 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract, subject to the following:

* * *

- (1) The dwelling meets the applicable development standards of MCC 33.2256 and 33.2261.

[CFU-1]

33.2035 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract or tracts, subject to the following:

* * *

- (1) The dwelling meets the applicable development standards of MCC 33.2056 and 33.2061.

[CFU-4]

35.2235 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract, subject to the following:

* * *

- (1) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261.

[CFU]

36.2035 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract, subject to the following:

* * *

- (1) The dwelling meets the applicable development standards of MCC 36.2056 and 36.2061.

Section 45. §§ 33.2240, 33.2440, 35.2240 and 36.2040 are amended as follows:

[CFU-2]

33.2240 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 33.2275;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 33.2256 and 33.2261~~33.2305~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 33.2310, as applicable;

* * *

- (7) The dwelling meets the applicable development standards of MCC 33.2256 and 33.2261~~33.2305~~;

* * *

(B) A *heritage tract dwelling* may be sited, subject to the following:

* * *

- (5) The dwelling meets the applicable standards of MCC ~~MCC~~ 33.2256 and 33.2261~~33.2305~~.

[CFU-5]

33.2440 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 33.2475;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 33.2456 and 33.2461~~33.2505~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 33.2510, as applicable;

* * *

(7) The dwelling meets the applicable development standards of MCC 33.2456 and 33.2461~~33.2505~~;

* * *

[CFU-4]

35.2240 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 35.2275;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 35.2256 and 35.2261~~35.2305~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 35.2310, as applicable;

* * *

(7) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261~~35.2305~~;

* * *

(B) A *heritage tract dwelling* may be sited, subject to the following:

* * *

(5) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261~~33.2305~~.

[CFU]

36.2040 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 36.2075;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 36.2036 and 36.2061~~36.2105~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet

to all other property lines. Exceptions to this standard shall be pursuant to MCC 36.2110, as applicable;

* * *

(7) The dwelling meets the applicable development standards of MCC 36.2056 and 36.206136.2105;

* * *

(B) A heritage tract dwelling may be sited, subject to the following:

* * *

(5) The dwelling meets the applicable development standards of MCC 36.2056 and 36.206136.2105.

Section 46. §§ 33.2250, 33.2050, 33.2450, 35.2050, 35.2250 and 36.2050, Building Height Requirements, are added as follows:

33.2250 Building Height Requirements
33.2050 Building Height Requirements
33.2450 Building Height Requirements
35.2050 Building Height Requirements
35.2250 Building Height Requirements
36.2050 Building Height Requirements

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Section 47. §§ 33.2256, 33.2056, 33.2456, 35.2056, 35.2256 and 36.2056 are added as follows:

[CFU-2]

§ 33.2256 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>

Use		Forest Practice Setbacks		Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling	N/A	30	30	Primary required
Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling	N/A	30	130	Primary and Secondary required
Template Dwelling	N/A	30	130	Primary & Secondary required
Heritage Tract Dwelling	N/A	30	130	Primary & Secondary required
Large Acreage Dwelling	N/A	30	130	Primary & Secondary required
Accessory structures within 100 ft. of dwelling	N/A	30	30	Primary required
Other Accessory structures	N/A	30	130	Primary & Secondary required
Other Structures	N/A	30	130	Primary & Secondary required
Property Line Adjustment; Lot of Exception; Land Divisions.	May maintain current nonconforming setback to existing structures	30	30	On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 33.2310.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-1]

§ 33.2056 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 33.2110.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-5]

§ 33.2456 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Property owner is encouraged to establish Primary to the extent possible
Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Primary is required to the extent possible within the existing setbacks
At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling	May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.	30	30	Primary required; Maintenance of vegetation in the Secondary is required to the extent possible
Replaced or restored dwelling over 100 ft. from existing dwelling	Meet current setback standards	30	130	Primary & Secondary required
At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling	N/A	30	30	Primary required

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2510 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 33.2510.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-3]

§ 35.2056 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 35.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 35.2110.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-4]

§ 35.2256 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Heritage Tract Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 35.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 35.2310.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU]

§ 36.2056 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

Use		Forest Practice Setbacks		Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Temporary Heath Hardship farther than 100 ft. from existing dwelling	N/A	30	130	Primary and Secondary required
At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling	N/A	30	30	Primary required
Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling	N/A	30	130	Primary and Secondary required
Template Dwelling	N/A	30	130	Primary & Secondary required
Heritage Tract Dwelling	N/A	30	130	Primary & Secondary required
Large Acreage Dwelling	N/A	30	130	Primary & Secondary required
Accessory structures within 100 ft. of dwelling	N/A	30	30	Primary required
Other Accessory structures	N/A	30	130	Primary & Secondary required
Other Structures	N/A	30	130	Primary & Secondary required
Property Line Adjustment; Lot of Exception; Land Divisions.	May maintain current nonconforming setback to existing structures	30	30	On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 36.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 36.2110.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

Section 48. §§33.2260, 33.2060, 33.2460, 35.2060, 35.2260 and 36.2060 are deleted as follows:

33.2260 Dimensional Requirements

(A) Except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280, the minimum lot size for new parcels or lots 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 33.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2305 (A) (5) (c) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2220 (D) and (E) and 33.2225 (B) need not satisfy the development standards of MCC 33.2305 if originally legally established to a lesser standard than that required by MCC 33.2305, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2220 (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 33.2305 (A) (5) (c) 2.

33.2060 Dimensional Requirements

(A) Except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080, the minimum lot size for new parcels or lots 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 33.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2105 (A) (5) (c) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under 33.2020 (D) and (E) and 33.2025 (B) need not satisfy the development standards of MCC 33.2105 if originally legally established to a lesser standard than that required by MCC 33.2105, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2020 (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 33.2105 (A) (5) (c) 2.

33.2460 Dimensional Requirements

(A) Except as provided in MCC 33.2465, 33.2470, 33.2475, and 33.2480, the minimum lot size for new parcels or lots 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 33.2510, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2505 (A) (5) (c) (2).

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2420 (D) and (E) and 33.2425 (B) need not satisfy the development standards of MCC 33.2505 if originally legally established to a lesser standard than that required by MCC 33.2505, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2420 (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 33.2505 (A) (5) (c) (2).

35.2060 Dimensional Requirements

(A) Except as provided in MCC 35.2070, 35.2075, and 35.2080, the minimum lot size for new parcels or lots 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 35.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2105 (A) (5) (c) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under 35.2020 (D) and (E) and 35.2025 (B) need not satisfy the development standards of MCC 35.2105 if originally legally established to a lesser standard than that required by MCC 35.2105, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 35.2020 (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 35.2105 (A) (5) (c) 2.

35.2260 Dimensional Requirements

(A) Except as provided in MCC 35.2265, 35.2270, 35.2275, and 35.2280, the minimum lot size for new parcels or lots 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 35.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2305 (A) (5) (c) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 35.2220 (D) and (E); and 35.2225 (B) need not satisfy the development standards of MCC 35.2305 if originally legally established to a lesser standard than that required by MCC 35.2305, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 35.2220 (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 35.2305 (A) (5) (c) 2.

36.2060 Dimensional Requirements.

(A) Except as provided in MCC 36.2065, 36.2070, 36.2075, and 36.2080, 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 36.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 36.2105 (A) (5) (c) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under 36.2020 (D) and (E) and 36.2025 (B) need not satisfy the development standards of MCC 36.2105 if originally legally

~~established to a lesser standard than that required by MCC 36.2105, but in no case shall they be less than those originally established.~~

~~(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 36.2020 (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 36.2105 (A)(5)(c) 2.~~

~~(H) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source shall be provided on the lot.~~

~~(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.~~

~~(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.~~

~~(I) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.~~

Section 49. § 36.2095 is added as follows:

[CFU]

36.2095 Sewage, Storm Water, Water Systems and Grading Requirements

(A) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source shall be provided on the lot.

(1) Sewage and storm water disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Storm water/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(B) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

Section 50. §§ 33.2305, 33.2105, 33.2505, 35.2105, 35.2305 and 36.2105 are renumbered and amended to read as follows:

[CFU-2]

33.2305-2261 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2261;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2261;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2261(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2261(C) and the applicable driveway/road requirements of 33.2261(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2261(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2261;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2261(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2261;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2261(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2256;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2261(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and
- (4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-1]

33.2405-2061 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2061(C) and the applicable driveway/road requirements of 33.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-5]

33.2505 2461 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling; Not subject to development standards of MCC 33.2461;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling; Shall meet the development standards of MCC 33.2461(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage; Not subject to development standards of MCC 33.2461;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage; Shall meet the development standards of MCC 33.2461(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling; Shall meet the development standards of MCC 33.2461(C) and the applicable driveway/road requirements of 33.2461(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling; Shall meet the development standards of MCC 33.2461(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling; Shall meet the development standards of MCC 33.2461(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling; Not subject to development standards of MCC 33.2461;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2461(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2461;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2461(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2456;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2461(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-3]

35.2405-2061 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 35.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 35.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 35.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 35.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 35.2061(C) and the applicable driveway/road requirements of 35.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 35.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 35.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 35.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 35.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 35.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.
- (8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-4]

35.2305-2261 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

- (a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 35.2261;
- (b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 35.2261(C);

(2) Replacement or restoration of a dwelling.

- (a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 35.2261;
- (b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 35.2261(C);
- (c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 35.2261(C) and the applicable driveway/road requirements of 35.2261(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 35.2261(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2261(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 35.2261;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2261(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 35.2261;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 35.2261(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2256;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 35.2261(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 I 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU]

36.2105-2061 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 36.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 36.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 36.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 36.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 36.2061(C) and the applicable driveway/road requirements of 36.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 36.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 36.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 36.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 36.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 36.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 36.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 36.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the

driveway standards of MCC 36.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 I 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.
- (8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

Section 51. §§ 33.2263, 33.2063, 33.2463, 35.2063, 35.2263 and 36.2063 are added as follows:

[CFU-2]

§ 33.2263 Lot Size Requirements

- (A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280.
- (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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-1]

§ 33.2063 Lot Size Requirements

- (A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080.
- (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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-5]

§ 33.2463 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2465, 33.2470, 33.2475, and 33.2480.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-3]

§ 35.2063 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 35.2070, 35.2075, and 35.2080.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 35.7895(D).

[CFU-4]

§ 35.2263 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 35.2265, 35.2270, 35.2275, and 35.2280.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 35.7895(D).

[CFU]

§ 36.2063 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 36.2065, 36.2070, 36.2075, and 36.2080.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 36.7895(D).

Section 52. §§ 33.2265, 33.2065, 33.2465, 35.2265 and 36.2065 are amended as follows:

[CFU-2]

33.2265 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2260~~2263~~(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2260~~2263~~(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.2260~~2263~~(A);
- (5) The division complies with the dimensional requirements of MCC 33.2256~~2260~~ (C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2260(C)~~33.2256~~ are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 33.2305~~2261~~, the exception standards for secondary fire safety zones in MCC 33.2310, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU-1]

33.2065 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2060-2063(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2060-2063(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.2060-2063(A);
- (5) The division complies with the dimensional requirements of MCC 33.2060-2056 (C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2060~~(C)~~2056 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.
- (6) The development standards for dwellings and structures in MCC 33.2405~~2061~~, the exception standards for secondary fire safety zones in MCC 33.2110, and the land division requirement that

“the tentative plan complies with the area and dimensional requirements of the underlying zoning district” shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU-5]

33.2465 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2460-2463(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2460-2463(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.2460-2463(A);
- (5) The division complies with the dimensional requirements of MCC 33.2460-2456(C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2460-2456(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.
- (6) The development standards for dwellings and structures in MCC 33.2505-2461, the exception standards for secondary fire safety zones in MCC 33.2510, and the land division requirement that “the tentative plan complies with the area and dimensional requirements of the underlying zoning

district” shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU-4]

35.2265 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 35.2260-2263(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 35.2260-2263(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 35.2260-2263(A);
- (5) The division complies with the dimensional requirements of MCC 35.2260-2256(C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 35.2260-2256(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.
- (6) The development standards for dwellings and structures in MCC 35.2305-2261, the exception standards for secondary fire safety zones in MCC 35.2310, and the land division requirement that “the tentative plan complies with the area and dimensional requirements of the underlying zoning district” shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU]

36.2065 Lots of Exception.

An exception to permit the creation of a lot of less than the minimum 80 acre parcel size for new parcels may be authorized as provided in (A) or (B) below and subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided is larger than 80 acres;
- (2) The Lot of Exception will contain a dwelling which lawfully existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres;
- (4) The division will create no more than one lot which is less than 80 acres;
- (5) The division complies with the dimensional requirements of MCC 36.2060-2056(C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(6) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 36.2060-2056(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas; and

(7) The development standards for dwellings and structures in MCC 36.2105-2061, the exception standards for secondary fire safety zones in MCC 36.2110, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

Section 53. §§ 33.2070, 33.2270, 33.2470, 35.2070, 35.2270, and 36.2070 are amended as follows:

[CFU-1]

33.2070 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, ~~An~~ an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 33.20602056~~(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; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2073 are met after the relocation of the common property line.

[CFU-2]

33.2270 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, ~~An~~ an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 33.22602256~~(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; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2273 are met after the relocation of the common property line.

[CFU-5]

33.2470 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, ~~An an~~ adjustment of the common lot line between contiguous Lots of Record may be authorized 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 33.2460~~2456~~(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; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2473 are met after the relocation of the common property line.

[CFU-3]

35.2070 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 35.7790, ~~An an~~ adjustment of the common lot line between contiguous Lots of Record may be authorized 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 35.2060~~2056~~(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; and
- (5) If the properties abut a street, the required access requirements of MCC 35.2073 are met after the relocation of the common property line.

[CFU-4]

35.2270 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 35.7790, ~~An~~ 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 35.22602256(C) through (D); 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; and
- (5) If the properties abut a street, the required access requirements of MCC 35.2273 are met after the relocation of the common property line.

[CFU]

36.2070 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, ~~An~~ an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 36.20602056(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; and
- (5) If the properties abut a street, the required access requirements of MCC 36.2073 are met after the relocation of the common property line.

Section 54. §§ 33.2290, 33.2090, 33.2490, 35.2090, 35.2290 and 36.2090 are renumbered and amended as follows:

[CFU-2]

33.2290-2273 Access

~~Any~~ All lots and parcels 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, except as provided for Lots of Record at MCC 33.2275(C).

[CFU-1]

33.2090-2073 Access

~~Any~~ All lots and parcels 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, except as provided for Lots of Record at MCC 33.2075(C).

[CFU-5]

33.2490-2473 Access

~~Any~~ All lots and parcels 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, except as provided for Lots of Record at MCC 33.2475(C).

[CFU-3]

35.2090-2073 Access

~~Any~~ All lots and parcels 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, except as provided for Lots of Record at MCC 35.2075(C).

[CFU-4]

35.2290-2273 Access

~~Any~~ All lots and parcels 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, except as provided for Lots of Record at MCC 35.2275(C).

[CFU]

36.2090-2073 Access

~~Any~~ All lots and parcels 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, except as provided for Lots of Record at MCC 36.2075(C).

Section 55. §§ 33.2275, 33.2075, 33.2475, 35.2075, 35.2275 and 36.2075 are amended as follows:

[CFU-2]

33.2275 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.22902273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-1]

33.2075 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.20902073, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-5]

33.2475 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.24902473, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-3]

35.2075 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.20902073, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-4]

35.2275 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.22902273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU]

36.2075 Lot of Record.

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 36.2090~~2073~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

Section 56. §§ 33.2280, 33.2080, 33.2480, 35.2080, 35.2280 and 36.2080 are amended as follows:

[CFU-2]

33.2280 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 33.2260~~2263~~(A) may be created for the uses listed in MCC 33.2220~~(S)(R)~~ and 33.2230~~(D)(A)~~(1) through (6), (9) through (13), and (16) and ~~(E)(B)~~(1) through (4), after approval is obtained pursuant to MCC 33.2245 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.

[CFU-1]

33.2080 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 33.2060~~2063~~(A) may be created for the uses listed in MCC 33.2020~~(S)(R)~~ and 33.2030~~(B)(A)~~(1) through (6), (9) through (13), and (16) and ~~(C)(B)~~(1) through (4), after approval is obtained pursuant to MCC 33.2045 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.

[CFU-5]

33.2480 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 33.2460~~2463~~(A) may be created for the uses listed in MCC 33.2420~~(S)(R)~~ and 33.2430~~(B)(A)~~(1) through (6), (9) through (13), (16), and ~~(C)(B)~~(1) through (4), after approval is obtained pursuant to MCC 33.2445 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.

[CFU-3]

35.2080 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 35.2060-2063(A) may be created for the uses listed in MCC 35.2020(S)(R) and 35.2030(A)(1) through (6), (9) through (13), and (16) and (B)(1) through (4), after approval is obtained pursuant to MCC 35.2045 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.

[CFU-4]

35.2280 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 35.2260-2263(A) may be created for the uses listed in MCC 35.2220(S)(R) and 35.2230(D)(A)(1) through (6), (9) through (13), and (16) and (E)(B)(1) through (4), after approval is obtained pursuant to MCC 35.2245 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.

[CFU]

36.2080 Lot Size for Conditional Uses.

Lots less than the minimum specified in MCC 36.2060-2063(A) may be created for the uses listed in MCC 36.2020(S)(R) and 36.2030(A)(D)(1) through (6), (9) through (13), and (16) and (B)(E)(1) through (4), after approval is obtained pursuant to MCC 36.2045 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.

Section 57. **§§ 33.2255, 33.2055, 33.2455, 35.2055, 35.2255, and 36.2055 are renumbered as follows:**

[CFU-2]

33.2255-2307 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-1]

33.2055-2107 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-5]

33.2455-2507 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-3]

35.2055-2107 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-4]

35.2255-2307 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU]

36.2055-2107 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

Section 58. **§§ 33.2310, 33.2110, 33.2510, 35.2110, 35.2310 and 36.2110 are amended as follows:**

[CFU-2]

33.2310 ~~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 33.2310 (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.

(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 33.2310 (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 33.2310 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC ~~33.2220~~
~~(D)33.2225(A)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC ~~33.2305-2261(B)(C)(3)~~ above.

(6) All accessory structures within the fire safety zone setbacks required by MCC ~~33.2305~~33.2256 shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

[CFU-1]

33.2110 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 33.2110 (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.

(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 33.2110 (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 33.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 33.2020 2025(DA) shall not be required to meet this standard, but shall satisfy the standard of MCC 33.21052061(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 33.21052056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

[CFU-5]

33.2510 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 MCC 33.2510 (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.

(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 33.2510 (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 33.2510 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 33.2420(D) ~~2425(A)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC 33.2505-2461(B)(C)(3) ~~above~~.

(6) All accessory structures within the fire safety zone setbacks required by MCC ~~33.2505~~ 33.2456 shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

[CFU-3]

35.2110 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 35.2110 (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.

(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 35.2110 (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 35.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 35.2020-2025 (DA) shall not be required to meet this standard, but shall satisfy the standard of MCC 35.2110 2061(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 35.21052056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building shall:

(a) ~~Have a central monitored alarm system;~~

(b) ~~Have~~ 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.

[CFU-4]

35.2310 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 35.2310 (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.

(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 35.2310 (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 35.2310 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 35.2220-2225 ~~(DA)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC 35.2305 ~~2261(B)(C)(3)~~ above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 35.2305 ~~2256~~, and all accessory structures within 50 of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

[CFU]

36.2110 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 36.2110 (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.

(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 36.2110 (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 36.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 36.2020-2025 (DA) shall not be required to meet this standard, but shall satisfy the standard of MCC 36.2110 2061(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 36.21052056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

Section 59. §§ 33.2620, 33.2820, 33.3120, 33.3320, 33.4755, 34.2620, 34.2820, 34.3120, 34.3320, 34.4755, 35.2620, 35.2820, 35.3120, 35.3320, 35.4755, 36.2620, 36.2820, 36.3120, 36.3320, and 38.1010 are amended as follows:

33.2620 Allowed Uses

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 33.0005 (H) (6) (a). Home occupations as defined by MCC 33.0005 (H) (6) (a) do not allow the level of activity defined in ORS 215.448.

* * *

33.2820 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (H) (6) (a).

* * *

33.3120 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (H) (6) (a);

* * *

33.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005-(H)-(6)-(a).

* * *

33.4755 Definition

Historical Landmark means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 33.0005-(H)-(4).

34.2620 Allowed Uses

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 34.0005-(H)-(6)-(a). Home occupations as defined by MCC 34.0005-(H)-(6)-(a) do not allow the level of activity defined in ORS 215.448.

* * *

34.2820 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-(H)-(6)-(a);

* * *

34.3120 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-(H)-(6)-(a); and,

* * *

34.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-(H)-(6)-(a).

* * *

34.4755 Definition

Historical Landmark means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 34.0005-(H)-(4).

35.2620 Allowed Uses

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a). Home occupations as defined by MCC 35.0005-(H)-(6)-(a) do not allow the level of activity defined in ORS 215.448.

* * *

35.2820 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a);

* * *

35.3120 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a);

* * *

35.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a).

* * *

35.4755 Definition

Historical Landmark means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 35.0005-(H)-(4).

36.2620 Allowed Uses.

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 36.0005-(H)-(6)-(a). Home occupations as defined by MCC 36.0005-(H)-(8)-(a) do not allow the level of activity defined in ORS 215.448.

* * *

36.2820 Allowed Uses.

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)-(8)-(a).

* * *

36.3120 Allowed Uses.

* * *

(F) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)-(8)-(a);
and,

* * *

36.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)-(8)-(a).

* * *

38.1010 Expedited Uses.

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

* * *

(21) Replace an existing mobile home in a mobile home space within a mobile home park,
provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are
existing uses, as defined in MCC 38.0015-(E)-(7);

FIRST READING:

July 20, 2006

SECOND READING AND ADOPTION:

July 27, 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
Sandra N. Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1079

Amending MCC Chapters 33, 34, 35 36, 37 and 38 to Make Technical Corrections, Update Code Relating to Forest Zones, Change Decision Maker for Certain New Dwellings in Forest Zones, Improve Consistency of Property Line Adjustment Review Procedures and Approval Criteria, Add Mandated State of Oregon Approval Criteria, and Correct the Plan and Zoning Designation for Two Properties

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically it is necessary to amend the Zoning Code to make technical corrections, clarifications, and change land use review procedures. This ordinance includes all of these code improvements.
- b. Technical corrections include numbering corrections; deleting references to superseded land use review procedures (historic building permits and special districts); removing non-conforming use related regulations that have been superseded by State Statutes (pre-existing communication facilities and non-conforming signs); updating the review procedure for certain historic building permits to be a Type 4 permit; deleting reference to message board signs because they are not allowed in the rural areas; and adding the definition of "regularly maintained" which was left out of amendments in Ordinance 1064.
- c. The majority of code clarifications involve how forest practices setbacks and fire safety zones are applied in the Commercial Forest Use zoning districts. The forest zone amendments in Part II of this ordinance include four new definitions, a new table showing how the setbacks and fire safety zones are to be applied to specific development proposals, and a reorganization of the forest district regulations by grouping like standards together.
- d. Other clarifications include describing where the mapped zoning district boundary falls in a public road; adding language to the definition of "same ownership" to prevent the inclusion of the seller of a "sales contract" from having "possessory interest" in a property; making corrections to specify that it is the County Road Official that determines the public right-of-way road widths during permit application reviews; removing the words "same ownership" in the approval criteria for a farm dwelling where using that term results in an unintended tie-in with the Lot of Record code section; clarifying the use of the word "adjacent" in a permit requirement; adding a purpose statement and diagram to a driveway location standard; and amending requirements for a "complete application" to match amendments adopted in Section 3 of Ordinance 1065.
- e. Amendments to land use review procedures include changing "Lots of Exception" in all "exception zones" (MUA-20, RR, RC OR and PH-RC) and certain forest dwelling application reviews (Large Acreage, Template, and Heritage Tract Dwellings) from a Type 3 Permit review to a Type 2 Permit review.

- f. Amendments to Zoning Code Chapters implement the concept of moving all approval criteria for property line adjustments to be within the regulations for each zoning districts and to retain the needed procedures and surveying requirements in the land division part of the code.
- g. This ordinance also amends all zoning districts to attain greater uniformity regarding review procedures and specific approval criteria for adjustments to property lines. In addition, a minor clarification to the "access" requirements makes clear that certain Lots of Record are not required to abut a street.
- h. In addition it is proposed to add four land uses to the listed allowed uses in the Orient Rural Center Residential (OR) and Orient Commercial-Industrial (OCI) zoning districts. Those uses were inadvertently omitted during the adoption of the districts in December 2002.
- i. Related to the OR and OCI zoning text corrections, included in this ordinance is a correction of the Comprehensive Plan Map and zoning map designation for two properties that received the OR and OCI zoning designations with the adoption of the West of Sandy River Rural Area Plan (Ordinance No. 1001).
- j. Public hearings on these amendments were held before the Planning Commission where all were approved for recommendation to the Board of County Commissioners.

Multnomah County Ordains as follows:

PART I – TECHNICAL/HOUSEKEEPING CORRECTIONS

Section 1. §§ 33.0005, 34.0005, 35.0005 and 36.0005, Definitions, are amended as follows:

33.0005 Definitions

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

* * *

(H) (1) Habitable dwelling – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (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; and
- (e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~the~~ Type A home occupation. Type B home occupations shall be approved as per MCC 33.6300 ~~and through~~ 33.6650.

34.0005 Definitions

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

* * *

(H) (1) Habitable dwelling – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (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; and
- (e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~the~~ Type A home occupation. Type B home occupations shall be approved as per MCC 34.6300 ~~and through~~ 34.6650.

* * *

35.0005 Definitions

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

* * *

(H) (1) Habitable dwelling – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (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; and
- (e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~†~~Type A home occupation. Type B home occupations shall be approved as per MCC 35.6300 ~~and through~~ 35.6650.

* * *

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.

* * *

(H) (1) Habitable dwelling – An existing dwelling that:

(a) Has intact exterior walls and roof structure;

(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; ~~and~~

(e) Was lawfully established.

* * *

(8) Home Occupation –

* * *

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~†~~Type A home occupation. Type B home occupations shall be approved as per MCC 36.6300 ~~and through~~ 36.6650.

* * *

Section 2. §§ 33.0015, 34.0015, 35.0015 and 36.0015, Zoning Map, are amended as follows:

(A) The designations, locations and boundaries of the respective districts and certain combinations thereof described in this Chapter are established as shown by appropriate color designations, symbol or short title identification upon the *Multnomah County Zoning Map*. The *Zoning Map* consists of a series of bound and indexed Sectional Zoning Maps numbered sheets ~~1 through 828~~ until such time as the districts and subdistricts depicted on each respective Sectional Zoning Map are replaced by maps generated as electronic layers within a Geographic Information System (GIS). All GIS Zoning Maps replacing the Sectional Zoning Maps shall be legislatively adopted. The GIS-generated Zoning Maps depicting districts and subdistricts shall be periodically readopted to reflect more accurate mapping information as it becomes available. The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Chapter as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Chapter, the written portion shall control.

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Planning Director of the Division of Land Use Planning.

(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board of County Commissioners shall be deemed to be the accurate depiction of:

(a) the Zoning Maps first adopted for successive geographic areas from April 19, 1955 through December 11, 1958; and

(b) The Zoning Maps in effect from the date of first adoption through November 15, 1962.

(2) Unless clearly shown otherwise, a zoning district boundary that follows a public right-of way shall be deemed to follow the centerline of the public right-of-way.

Section 3. §§ 33.0520, 34.0520, 35.0520 and 36.0520, Historical Structures and Site Permits, are amended as follows:

* * *

(C) An application for a permit to remove or demolish a building or structure described in this Section shall be subject to the following:

(1) The permit shall not be issued for 120 days following the date of filing, unless otherwise authorized by the Board under subpart (7) of this subsection.

(2) The permit application shall be considered an action a Type IV decision to be initiated by the record owner or the owner's agent, under MCC 33.0705 (B).

(3) Except as otherwise provided in this subsection, the application shall be subject to the applicable provisions of MCC Chapter 33.0700 through 33.0745 and MCC 33.0770 through 33.0775.

(4) A hearing on the application shall be held by the Planning Commission.

(5) The decision of the Planning Commission shall be in the form of a recommendation to the Board.

(a) The Planning Commission may recommend measures to preserve the building or structure, with or without conditions, including by purchase, trade, relocation or by approval of a change of use notwithstanding the use limitations of the district;

(b) The Planning Commission may recommend removal or demolition of the building or structure based upon a finding that practical preservation measures are inadequate or unavailable.

(c) The Planning Commission recommendation shall be based upon findings in relation to the applicable policies of the Comprehensive Plan.

(6) The Planning Commission decision shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced.

(7) The Board shall conduct a de novo hearing on the application under the notice and review procedures of a type IV decision and the approval criteria in (5) above provisions of MCC 33.0770 through 33.0775. The Board may affirm, reverse, or modify the recommendation of the Planning Commission. The approval criteria of MCC 37.0705 shall not apply to the decision.

(8) In the event the Board fails to act on the application within the 120-day period specified in subpart (C) (1) of this subsection, the Building Official may issue the permit.

* * *

Section 4. §§ 33.2010, 33.2210, 33.2410, 33.2610, 34.2610, 35.2010, 35.2210, 35.2610, 36.2010 and 36.2610, Definitions, are amended as follows:

* * *

Same Ownership - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this subsection, the seller of a property by sales contract shall be considered to not have possessory interest.

* * *

Section 5. §§ 33.2630(F), 34.2630(F), 35.2630(F) and 36.2030(D), Conditional Uses are amended as follows:

* * *

(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;

(3) That A-a home occupation located on high-value farmland may employ only residents of the home;

(4) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(5) That the home occupation will not unreasonably interfere with other uses permitted in the EFU zoning district.

Section 6. §§ 33.2660, 33.2855, 33.3155, 33.3355, 34.2660, 34.2855, 34.3155, 34.3355, 35.2660, 35.2855, 35.3155, 35.3355, 36.2660, 36.2855 and 36.3155, Dimensional Requirements, are amended as follows:

* * *

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official not otherwise established by Ordinance.

* * *

Section 7. §§ 33.6660, 34.6660, 35.6660 and 36.6660, Criteria for Approval are amended as follows:

* * *

(K) No structure is proposed to be constructed that would not otherwise be allowed in the zoning district.

Section 8. §§ 36.3355, 36.3455 and 36.3550, Dimensional Standards and Development Requirements, are amended as follows:

* * *

(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official not otherwise established by ordinance.

* * *

Section 9. §§ 33.2670, 33.2860, 33.3160, 33.3360, 34.2670, 34.2860, 34.3160, 34.3360, 35.2670, 35.2860, 35.3160, 35.3360, 36.2670, 36.2860, 36.3160, 36.3360, 36.3460 and 36.3560 are amended as follows:

[EFU]

33.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, A an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 33.2660 (A) and (C) are met; ~~or~~

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 33.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) retain ~~Retain~~ the same lot area that existed prior to the exchange.

[MUA-20]

33.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 33.2800.~~

~~(D) The approval authority may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district.~~

~~(E) Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous lots or parcels upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.~~

~~(1) No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.2885 are met after the relocation of the common property line; and

* * *

[RR]

33.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.3185 are met after the relocation of the common property line; and

* * *

[RC]

33.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.3385 are met after the relocation of the common property line; and

* * *

[EFU]

34.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 34.7790, ~~A~~an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 34.2660 (A) and (C) are met; ~~or~~

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 34.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) ~~retain~~ Retain the same lot area that existed prior to the exchange.

[MUA-20]

34.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 34.7790the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.2885 are met after the relocation of the common property line; and

* * *

[RR]

34.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 34.7790the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.3185 are met after the relocation of the common property line; and

* * *

[RC]

34.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 34.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.3385 are met after the relocation of the common property line; and

* * *

[EFU]

35.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 35.7790, ~~An~~ adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) ~~The following dimensional and access requirements of MCC 35.2660(A) and (C) are met; or~~

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 35.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) ~~retain~~ Retain the same lot area that existed prior to the exchange.

[MUA-20]

35.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 35.7790~~~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.2885 are met after the relocation of the common property line; and

* * *

[RR]

35.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 35.7790~~~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.3185 are met after the relocation of the common property line; and

* * *

[RC]

35.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 35.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.3385 are met after the relocation of the common property line; and

* * *

[EFU]

36.2670 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 36.7790, ~~An~~ adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 36.2660 (A) and (C) are met; ~~or~~

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 36.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) retain ~~Retain~~ the same lot area that existed prior to the exchange.

[MUA-20]

36.2860 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 36.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.2885 are met after the relocation of the common property line; and

* * *

[RR]

36.3160 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 36.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3185 are met after the relocation of the common property line; and

* * *

[PH-RC]

36.3360 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 36.7790~~~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3385 are met after the relocation of the common property line; and

* * *

[OR]

36.3460 Lots of Exception and Property Line Adjustments

* * *

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 36.7790~~~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3485 are met after the relocation of the common property line; and

(2) At least one of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 1 acre prior to the adjustment and remains 1 acre or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 2 acres in area prior to the adjustment and remains less than 2 acres in area after the adjustment.

[OCI]

36.3560 Property Line Adjustments

(A) Pursuant to the applicable provisions in MCC 36.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3585 are met after the relocation of the common property line; and

* * *

Section 10. §§ 33.7970, 34.7970, 35.7970 and 36.7970, Property Line Adjustment, are renumbered and amended as follows:

~~33.7970~~33.7790 Property Line Adjustment

~~34.7970~~34.7790 Property Line Adjustment

~~35.7970~~35.7790 Property Line Adjustment

~~36.7970~~36.7790 Property Line Adjustment

A property line adjustment is the relocation of a common property line between two abutting properties. ~~(A) The Planning Director may approve a property line adjustment based upon findings that the following standards are met: between two properties, in the Rural Area, where an additional lot or parcel is not created and where the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning designation.~~

~~(B) The Planning Director may approve a property line adjustment between two properties in the Rural Area where an additional lot or parcel is not created but where one or both of the adjusted properties are below the minimum lot size established by the applicable zoning district designation. Such an adjustment shall comply with any applicable zoning district standards for a Property Line Adjustment or Lot Line Adjustment.~~

~~(C) Property line adjustments approved under subsections (A) and (B) above shall meet the following additional standards:~~

~~(1)(A)~~ No additional lot or parcel shall be created from any parcel by the property line adjustment; and

~~(2)(B)~~ Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and

~~(3)(C) The adjusted properties shall meet the approval criteria for a property line adjustment as given all dimensional requirements in the underlying zoning district designation except for lot area; and~~

~~(4) The right of way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.~~

(D) The procedure and forms shall be submitted for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.

Section 11. §§ 33.2690, 33.2885, 33.3185, 33.3385, 34.2690, 34.2885, 34.3185, 34.3385, 35.2690, 35.2885, 35.3185, 35.3385, 36.2690, 36.2885, 36.3185, 36.3385, 36.3485, and 36.3585, Access, are amended as follows:

[EFU]

33.2690 Access

~~Any All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2675(C).

[MUA-20]

33.2885 Access

~~Any All lots and parcels~~ 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, except as provided for Lots of Record at MCC 33.2870(B).

[RR]

33.3185 Access

~~Any All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3170(B).

[RC]

33.3385 Access

~~Any All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3370(B).

[EFU]

34.2690 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.2675(C).

[MUA-20]

34.2885 Access

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.2870(B).

[RR]

34.3185 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.3170(B).

[RC]

34.3385 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.3370(B).

[EFU]

35.2690 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2675(C).

[MUA-20]

35.2885 Access

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2870(B).

[RR]

35.3185 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.3170(B).

[RC]

35.3385 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.3370(B).

[EFU]

36.2690 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.2675(C).

[MUA-20]

36.2885 Access

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.2870(B).

[RR]

36.3185 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3170(B).

[PH-RC]

36.3385 Access

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3370(B).

[OR]

36.3485 Access

Any All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3470(B).

[OCI]

36.3585 Access

Any All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3570(B).

Section 12. §§ 33.2625, 34.2625 and 35.2625, Review Uses, are amended as follows:

* * *

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

* * *

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

Section 13. § 36.2625 is amended as follows:

36.2625 Review Uses.

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

* * *

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

* * *

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

* * *

(O) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this section is not eligible for replacement under MCC 36.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

(1) The health hardship 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 lands devoted to farm or forest use.

* * *

Section 14. §§ 33.2825, 33.3125, 33.3325, 34.2825, 34.3125, 34.3325, 35.2825, 35.3125, 35.3325, 36.2825, 36.3125, 36.3425, 36.3325 and 36.3525, Review Uses, are amended as follows:

[MUA-20]

33.2825 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 33.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

[RR]

33.3125 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 33.3160:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

[RC]

33.3325 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 33.3360:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

[MUA-20]

34.2825 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 34.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[RR]

34.3125 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 34.3160:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[RC]

34.3325 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 34.3360:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[MUA-20]

35.2825 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 35.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[RR]

35.3125 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 35.3160:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[RC]

35.3325 Review Uses

* * *

(H) Lots of Exception pursuant to the provisions of MCC 35.3360:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[MUA-20]

36.2825 Review Uses.

* * *

(F) Wireless communications facilities ~~when found to satisfy the requirements that employ~~ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.2860:

[RR]

36.3125 Review Uses.

* * *

(F) Wireless communications facilities ~~when found to satisfy the requirements~~ that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.3160:

[PH-RC]

36.3325 Review Uses.

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.3360:

(I) Wireless communications facilities ~~when found to satisfy the requirements~~ that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

[OR]

36.3425 Review Uses.

* * *

(F) Wireless communications facilities ~~when found to satisfy the requirements~~ that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

* * *

(H) Lots of Exception pursuant to the provisions of MCC 36.3460:

[OCI]

36.3525 Review Uses.

* * *

(E) Wireless communications facilities ~~when found to satisfy the requirements~~ that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188. This use shall not be subject to the Review Uses approval criteria in 36.3527 below.

* * *

(H) Property Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 36.3560.

Section 15. §§ 33.2830, 34.2830, 35.2830 and 36.2830, Conditional Uses, are amended to delete subsection (F) as follows:

* * *

~~(F) Lots of Exception pursuant to the provisions of MCC~~

Section 16. §§ 33.3130, 34.3130, 35.3130 and 36.3130, Conditional Uses, are amended to delete subsection (E) as follows:

* * *

~~(E) Lots of Exception pursuant to the provisions of MCC....~~

Section 17. §§ 33.3330, 34.3330 and 35.3330, Conditional Uses, are amended to delete subsection (G) as follows:

* * *

~~(G) Lots of Exception pursuant to the provisions of MCC....~~

Section 18. § 36.3330 is amended as follows:

36.3330 Conditional Uses.

* * *

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:

* * *

~~(9) Lots of Exception pursuant to the provisions of MCC 36.3360.~~

Section 19. § 36.3430 is amended as follows:

36.3430 Conditional Uses.

* * *

~~(C) Lots of Exception pursuant to the provisions of MCC 36.3460.~~

Section 20. Subsection (H) of §§ 36.2855, 36.3155, 36.3355, 36.3455 and 36.3550, Dimensional Standards and Development Requirements, is amended as follows:

* * *

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

* * *

Section 21. §§ 33.4000, 34.4000 and 35.4000 are amended as follows:

33.4000- Classification of Special Districts

In addition to classification as a base district as provided in MCC 33.2000 through 33.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures ~~33.0700 through 33.0790~~. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

34.4000- Classification of Special Districts

In addition to classification as a base district as provided in MCC 34.2000 through 34.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures 34.0700 through 34.0790. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

35.4000- Classification of Special Districts

In addition to classification as a base district as provided in MCC 35.2000 through 35.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures 35.0700 through 35.0790. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

Section 22. § 36.4560 is amended as follows:

36.4560 Criteria for Approval of SEC-h Permit -Wildlife Habitat.

Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).

* * *

(B) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (~~BA~~) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (~~BA~~), but demonstrates that the alternative conservation measures exceed the standards of Section (~~BA~~) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (~~BA~~).

* * *

Section 23. Subsection (B) of §§ 33.4570, 34.4570 and 35.4570, Criteria for approval of SEC-h Permit – Wildlife Habitat, is amended as follows:

* * *

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

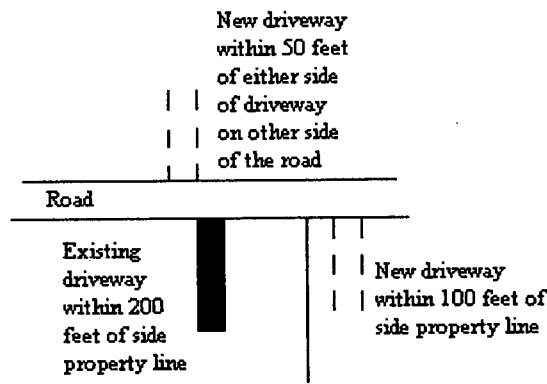
(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of the a side property boundary line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of the that side property boundary line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of ~~the property boundary~~ a side property line if adjacent property has structures and developed areas within 200 feet of ~~the that common side property boundary line~~.

Section 24. §§ 33.6130, 34.6130, 35.6130 and 36.6130 are deleted as follows:

33.6130 Pre-existing Communication Facilities.

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 33.7200 or MCC 33.6005 through 33.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 33.6125 (A);~~
- ~~(B) The use shall comply with MCC 33.6115 (D), (G), and (H); and~~
- ~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

34.6130 Pre-existing Communication Facilities.

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 34.7200 or MCC 34.6005 through 34.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 34.6125 (A);~~
- ~~(B) The use shall comply with MCC 34.6115 (D), (G), and (H); and~~
- ~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

35.6130 Pre-existing Communication Facilities.

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 35.7200 or MCC 35.6005 through 35.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 35.6125 (A);~~
- ~~(B) The use shall comply with MCC 35.6115 (D), (G), and (H); and~~

~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

36.6130 Pre-existing Communication Facilities.

Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the Facilities) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 36.7200 or MCC 36.6005 through 36.6125, provided that:

(A) The use shall comply with the NIER standard of MCC 36.6125 (A);

(B) The use shall comply with MCC 36.6115 (D), (G), and (H); and

~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

Section 25. §§ 33.6325, 34.6325 and 35.6325 are amended as follows:

33.6325 Design Review

Uses authorized under this section shall be subject to design review approval under MCC 33.7000 through 33.70657060.

34.6325 Design Review

Uses authorized under this section shall be subject to design review approval under MCC 34.7000 through 34.70657060.

35.6325 Design Review

Uses authorized under this section shall be subject to design review approval under MCC 35.7000 through 35.70657060.

Section 26. §§ 33.7435, 34.7435, 35.7435 and 36.7435 are deleted as follows:

~~33.7435 Non-Conforming Signs~~

~~Non-conforming signs are not subject to the provisions of MCC 33.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:~~

~~(A) Permanent signs in all zones~~

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

34.7435 Non-Conforming Signs

Non-conforming signs are not subject to the provisions of MCC 34.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

(A) Permanent signs in all zones

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

35.7435 Non-Conforming Signs

Non-conforming signs are not subject to the provisions of MCC 35.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

(A) Permanent signs in all zones

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

36.7435 Non-Conforming Signs.

Non-conforming signs are not subject to the provisions of MCC 36.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

(A) Permanent signs in all zones

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

Section 27. Subsection (B) of §§ 33.7470, 34.7470, 35.7470 and 36.7470, Fascia Signs, is amended as follows:

* * *

(B) Extensions

No point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached, ~~except for electronic message signs which may be up to 24 inches in thickness.~~ Fascia signs may not extend beyond the corner of buildings.

Section 28. §§ 33.6600, 34.6600, 35.6600 and 36.6600, Definitions are amended as follows:

* * *

(B) *Motor Vehicle of Special Interest* – A motor vehicle satisfying the criteria of a “vehicle of special interest” as defined in the Oregon Vehicle Code (ORS Chapter 801, 2006) ~~paragraph (a) of subsection (4) or paragraph (e) of subsection (6) of ORS 481.205~~ or otherwise unique due to limited production, original production, mechanical or styling oddities, high intrinsic value or produced by a company no longer in existence.

* * *

Section 29. §§ 33.7800, 34.7800, 35.7800 and 36.7800, Criteria for Approval, Category 1 Tentative Plan are amended as follows:

33.7800 Criteria for Approval, Category 1 Tentative Plan.

34.7800 Criteria for Approval, Category 1 Tentative Plan.

35.7800 Criteria for Approval, Category 1 Tentative Plan.

* * *

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter the Multnomah County Land Division Ordinance.

* * *

36.7800 Criteria for Approval, Category 1 Tentative Plan.

* * *

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter the Multnomah County Land Division Ordinance, and the applicable General Standards and Requirements of MCC 36.7885 through 36.7965.

* * *

Section 30. § 36.2620, Allowed Uses is amended as follows:

* * *

(O) Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, wholly within an EFU district may be maintained, enhanced or expanded:

* * *

Section 31. § 36.4525, Existing Uses is amended as follows:

Uses that legally existed on January 1, 2003 ~~the effective date of this ordinance~~ that are not included as Exceptions in section 36.4520, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

* * *

Section 32. §§ 36.3420 and 36.3520, Allowed Uses are amended as follows:

[OR]

36.3420 Allowed Uses

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in this ordinance.

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005.

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

[OCI]

36.3520 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005.

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

Section 33. § 37.0530, Summary of Decision Making Processes is amended as follows:

37.0530 Summary of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

* * *

Permit Types

* * *

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision.

(1) If there is an appeal of the Planning Director's decision, the Hearings Officer shall conduct a public hearing on the application pursuant to MCC 37.0610. After the Hearings Officer issues a signed decision, the Planning Director may appeal the decision to the Board within seven days. If there is no appeal by the Planning Director, the signed Hearings Officer decision and the information required in MCC 37.0660(D)(1) through (7) shall be mailed to those who submitted written comment, those who requested the decision in writing or provided oral testimony at a hearing on the matter, and DLCD at the discretion of the applicant persons entitled to notice of a Type III Permit decision under MCC 37.0660(D). The mailed decision is the county's final

decision on the application and may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed.

* * *

Section 34. § 37.0560, Code Compliance and Applications is amended as follows:

37.0560 Code Compliance and Applications.

Except as provided in subsection (A), the County shall not make a land use decision; or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

* * *

Section 35. § 37.0590 is amended as follows:

§ 37.0590 Complete Application - Required Information.

Unless stated elsewhere in the Multnomah County Code, a complete application includes all the materials listed in this subsection. The Planning Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within 30 days of when the application is first submitted, the Planning Director may require additional information, beyond that listed in this subsection or elsewhere in the County Code, such as a traffic study or other report prepared by an appropriate expert, where needed to address relevant approval criteria. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. The County will not deem the application complete until all information required by the Planning Director has been submitted. Unless specifically waived by the Planning Director, the following must be submitted:

(A) One copy of a completed county application form that includes the following information:

(1) An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application.

(2) Name, address, telephone number and authorization signature of all record property owners or contract owners or a representative for the government agency that has the power of eminent domain, and the name, address and telephone number of the applicant, if different from the property owner(s) or the government agency.

* * *

Section 36. § 37.0700, Expiration and Extension of Type II or Type III Decisions in Exception Areas and Lands Within the UGB is amended as follows:

37.0700 Expiration and Extension of Type II or Type III Decisions in Exception Areas and Lands Within the UGB.

* * *

(C) The Planning Director may extend, ~~prior to its expiration,~~ any approved decision for a period of six months up to an aggregate period of one year; provided, however, that there has been substantial implementation of the permit and the request is submitted prior to the expiration of the approval period. Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type II decision.

* * *

Section 37. § 37.0705, Type IV Quasi-Judicial Plan and Zone Change Approval Criteria is amended as follows:

37.0705 Type IV Quasi-Judicial Plan and Zone Change Approval Criteria.

* * *

(B) Quasi-Judicial Zone Change. The burden of proof is upon the person initiating a zone change request. That burden shall be to persuade that:

* * *

(4) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under this subsection. The existence of home occupations shall not be used as justification for a zone change.

Section 38. § 38.0015 is amended as follows:

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

* * *

Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

* * *

~~**Property line adjustment:** The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.~~ **Regularly maintained:** An area of land that has been previously disturbed and where periodic actions have been taken to:

- (a) keep the area clear of vegetation (e.g., shoulders, utility yards),
- (b) limit the height and type of vegetation (e.g., utility rights-of-way), and/or
- (c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

* * *

Section 39. Amendment of the Comprehensive Plan Map and Zoning Map of the West of Sandy River Rural Area Plan to correct the designations for two properties.

All applicable maps adopted by Ordinance 1001, in particular the Geographic Information System produced map Exhibit E, are amended to make the following correction to the Comprehensive Plan and Zoning District designations for the following two properties:

1. The Plan and Zoning designation of 8141 SE Orient Drive (Map and Tax Lot # 1S4E20CC-01300, Alternate Tax Acct. # R994201760) is changed from Orient Commercial-Industrial (OCI) to Orient Residential (OR) as shown on Exhibit A.
2. The Plan and Zoning designation of 8231 SE Orient Drive (Map and Tax Lot # 1S4E20CC-01200, Alternate Acct # R994200950) is changed from Orient Residential (OR) to Orient Commercial-Industrial (OCI) as shown on Exhibit A.

PART II – FOREST ZONES

Code Clarification & Change Decision Maker for Certain New Dwellings in Forest Zones from Hearings Officer (Type III Review) to Planning Director (Type II Review)

Section 40. §§ 33.0005, 35.0005 and 36.0005, 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.

* * *

(A)(8) **Alteration (Structural)** – Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. ~~In addition, any change in the external dimensions of the building shall be considered a structural alteration.~~

* * *

(E)(7) **Expansion** – Any change in the external dimensions of the building or structure and any change to the external footprint.

* * *

(M) (1) **Maintenance** – An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope and configuration of a structure beyond its original design are not included.

(2) **Manufactured Homes** – See Mobile home.

(23) **May** – May is permissive.

(34) **Mobile Home** – A structure transportable in one or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code (the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations). Mobile homes include residential trailers and manufactured homes subject to the siting provisions as specified within the district:

(45) **Mortgage Lot** – An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU districts.

(56) **Motel** – Same as Hotel.

(67) **Multi-Plex Dwelling Structure** – A row house or town house apartment structure.

(78) **Museum** – A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects.

* * *

(R) (9) **Restoration** – To reconstruct a dwelling, building or structure after it has been damaged by fire, other casualty or natural disaster.

(10) **Replacement** – The construction of a new dwelling, building or structure to replace or substitute for the lawfully established dwelling, building or structure. The removal of over 75% of the standing walls and roof structure of an existing dwelling, building or structure qualifies the rebuilding as a replacement dwelling, building or structure.

(911) **Road (County)** – Every public way, thoroughfare, road, street or easement within the County used or intended for use by the general public for vehicular travel, but excluding private driveways.

* * *

Section 41. §§ 33.2220, 33.2020, 33.2420, 35.2020, 35.2220 and 36.2020 are amended as follows:

[CFU-2]

33.2220 Allowed Uses

* * *

(D) Alteration; ~~and maintenance, or expansion~~ of an existing lawfully established *habitable dwelling* ~~subject to the following: as defined in MCC 33.0005.~~

(1) ~~The dimensional standards of MCC 33.2260 are satisfied; and~~

(2) ~~The development standards of MCC 33.2305(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

(E) ~~Replacement of an existing lawfully established *habitable 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 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 33.2260 and the development standards of MCC 33.2305.~~

(~~FE~~) 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;

(~~GF~~) An uninhabitable structure accessory to fish and wildlife enhancement;

(~~HG~~) A caretaker residence for a public park or a fish hatchery;

(~~HH~~) 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;

(~~KJ~~) 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;

(~~LK~~) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(~~ML~~) 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;

(~~NM~~) A lookout tower for forest fire protection;

(~~ON~~) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(~~PQ~~) A temporary forest labor camp;

(~~QP~~) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(~~RQ~~) Exploration for geothermal resources;

(~~SR~~) 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;

(~~FS~~) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) and 33.2245. Home occupations as defined by MCC 33.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448;

(~~UT~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~VU~~) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

33.2020 Allowed Uses

* * *

(D) Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 33.0005.

(1) The dimensional standards of MCC 33.2060 are satisfied; and

(2) The development standards of MCC 33.2105 (A) (5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established *habitable 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 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 33.2060 and the development standards of MCC 33.2105.

(FE) 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;

(GF) An uninhabitable structure accessory to fish and wildlife enhancement;

(HG) A caretaker residence for a public park or a fish hatchery;

(HI) 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;

(JI) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(KJ) 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;

(LK) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(ML) 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;

(NM) A lookout tower for forest fire protection;

(ON) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(PQ) A temporary forest labor camp;

(QP) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(RQ) Exploration for geothermal resources;

(SR) 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;

(TS) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (~~H~~)(~~6~~)(a) and 33.2045. Home occupations as defined by MCC 33.0005 (~~H~~)(~~6~~)(a) do not allow the level of activity defined in ORS 215.448;

(UT) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(VU) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

[CFU-5]

33.2420 Allowed Uses

* * *

(D) ~~Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 33.0005.~~

~~(1) The dimensional standards of MCC 33.2460 are satisfied; and~~

~~(2) The development standards of MCC 33.2505(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

(E) ~~Replacement of an existing lawfully established *habitable 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 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 33.2460 and the development standards of MCC 33.2505.~~

(FE) 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;

(GF) An uninhabitable structure accessory to fish and wildlife enhancement;

(HG) A caretaker residence for a public park or a fish hatchery;

(~~H~~) 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;

(~~H~~) 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;

(~~T~~) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (~~H~~)(6)(a) and 33.2445. Home occupations as defined by MCC 33.0005 (~~H~~)(6)(a) do not allow the level of activity defined in ORS 215.448;

(~~U~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~V~~) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

[CFU-3]

35.2020 Allowed Uses

* * *

(D) Alteration, and maintenance, ~~or expansion~~ of an existing lawfully established *habitable dwelling* subject to the following as defined in MCC 35.0005.

(1) ~~The dimensional standards of MCC 35.2060 are satisfied; and~~

~~(2) The development standards of MCC 35.2105(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

~~(E) Replacement of an existing lawfully established *habitable 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 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 35.2060 and the development standards of MCC 35.2105.~~

~~(FE)~~ 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;

~~(GE)~~ An uninhabitable structure accessory to fish and wildlife enhancement;

~~(HG)~~ A caretaker residence for a public park or a fish hatchery;

~~(HI)~~ 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;

~~(JI)~~ Climbing and passing lanes within the right of way existing as of July 1, 1987;

~~(KJ)~~ 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;

~~(LK)~~ Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

~~(ML)~~ 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;

~~(NM)~~ A lookout tower for forest fire protection;

~~(ON)~~ A water intake facility, canal and distribution lines for farm irrigation and ponds;

~~(PO)~~ A temporary forest labor camp;

~~(QP)~~ Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

~~(RQ)~~ Exploration for geothermal resources;

~~(R)~~ ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

(~~FS~~) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) and 35.2045. Home occupations as defined by MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448.

(~~UT~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~WU~~) Actions taken in response to an emergency/disaster event as defined in MCC 35.0005 pursuant to the provisions of MCC 35.0535.

[CFU-4]

35.2220 Allowed Uses

* * *

(D) Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following as defined in MCC 35.0005.

(1) The dimensional standards of MCC 35.2260 are satisfied; and

(2) The development standards of MCC 35.2305(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.

(E) Replacement of an existing lawfully established *habitable 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 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 35.2260 and the development standards of MCC 35.2305.

(~~FE~~) 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;

(~~GF~~) An uninhabitable structure accessory to fish and wildlife enhancement;

(~~HG~~) A caretaker residence for a public park or a fish hatchery;

(~~HI~~) 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;

(~~JI~~) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(~~KI~~) 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;

(~~LK~~) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(~~ML~~) 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;

(~~NM~~) A lookout tower for forest fire protection;

(~~ON~~) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(~~PO~~) A temporary forest labor camp;

(~~QP~~) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(~~RQ~~) Exploration for geothermal resources;

(~~SR~~) 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.

(~~FS~~) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005 (~~H~~)-(6)-(a) and 35.2045. Home occupations as defined by MCC 35.0005 (~~H~~)-(6)-(a) do not allow the level of activity defined in ORS 215.448.

(~~UT~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~VU~~) Actions taken in response to an emergency/disaster event as defined in MCC 35.0005 pursuant to the provisions of MCC 35.0535.

[CFU]

36.2020 Allowed Uses.

* * *

(D) Alteration, and maintenance, ~~or expansion~~ of an existing lawfully established *habitable dwelling* ~~subject to the following as defined in MCC 36.0005.~~

(1) ~~The dimensional requirements of MCC 36.2060 are satisfied; and~~

(2) ~~The development standards of MCC 36.2105(A)(5)(c) and (B) are satisfied to the extent possible within the area of an approved yard if the expansion exceeds 400 square feet of ground coverage.~~

* * *

(S) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005 (~~H~~)-(6)-(a) and 36.2045. Home occupations as defined by MCC 36.0005 (~~H~~)-(6)-(a) do not allow the level of activity defined in ORS 215.448.

(T) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(U) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

(V) Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single family dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.) Ord 977 2/7/02.

Section 42. §§ 33.2025, 33.2225, 33.2425, 35.2025, 35.2225 and 36.2025 are amended as follows:

[CFU-1]

33.2025 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.~~

(B) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2035.

~~Restoration or replacement of a lawfully established habitable 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 33.2060 and the development standards of MCC 33.2105.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2045 and 33.2056.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2045.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2020 (D) or ~~(E)~~, 33.2025 (A) or (B), or 33.2030 (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 pursuant to all applicable approval criteria, including but not limited to MCC 33.2045, 33.2056 and 33.2061.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2070.

* * *

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria~~ of MCC 33.6175 through 33.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2065, 33.2073 and 33.7700 et seq.

[CFU-2]

33.2225 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.~~

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2235;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2240(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2240(B).

~~Restoration or replacement of a lawfully established habitable 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 33.2260 and the development standards of MCC 33.2305.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2245 and 33.2256.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2245.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2220 (D) or ~~(E)~~, 33.2225 (A) or (B), ~~or 33.2230 (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 pursuant to all applicable approval criteria, including but not limited to MCC 33.2245, 33.2256 and 33.2261.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2270.

* * *

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B)~~ pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2265, 33.2273 and 33.7700 et seq.

33.2425 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.

(B) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2440.

Restoration or replacement of a lawfully established habitable 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 33.2460 and the development standards of MCC 33.2505.

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2445 and 33.2456.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2445.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2420 (D) or (E), 33.2425 (A) or (B), or 33.2430 (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 pursuant to all applicable approval criteria, including but not limited to MCC 33.2445, 33.2456 and 33.2461.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2470.

* * *

(J) Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2465, 33.2473 and 33.7700 et seq.

[CFU-3]

35.2025 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.~~

~~(B) Restoration or replacement of a lawfully established habitable 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 35.2060 and the development standards of MCC 35.2105.~~

(GB) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 35.0515, and 35.2045 and 35.2056.

~~(DC)~~ An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 35.2045.

~~(ED)~~ A mobile home during the construction or reconstruction of a residence allowed under MCC 35.2020 (D) or ~~(E)~~; 35.2025 (A) or (B), ~~or 35.2030 (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 pursuant to all applicable approval criteria, including but not limited to MCC 35.2045, 35.2056 and 35.2061.

~~(FE)~~ Signs, pursuant to the provisions of MCC 35.7400 through 35.7505.

~~(GF)~~ Off-street parking and loading as required by MCC 35.4100 through 35.4220.

~~(HG)~~ Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2070.

~~(IH)~~ Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

~~(J)~~ Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188..

[CFU-4]

35.2225 Review Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and

(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2235;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2240(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2240(B).

~~Restoration or replacement of a lawfully established *habitable 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 35.2260 and the development standards of MCC 35.2305.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 35.0515, and 35.2245 and 35.2256.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to 35.2245.

(E) 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 35.2220 (D) or ~~(E)~~, 35.2225 (A) or (B), ~~or 35.2230 (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 pursuant to all applicable approval criteria, including but not limited to MCC 35.2245, 35.2256 and 35.2261.

(F) Signs, pursuant to the provisions of MCC 35.7400 through 35.7505.

(G) Off-street parking and loading as required by MCC 35.4100 through 35.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2270.

* * *

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B)~~ pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 35.2265, 35.2273 and 35.7700 et seq.

[CFU]

36.2025 Review Uses.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

Replacement of an existing lawfully established habitable dwelling on the same lot , subject to the following:

(1) The existing dwelling 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 requirements of MCC 36.2060 and the development standards of MCC 36.2105.

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2035;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2040(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2040(B).

Restoration or replacement of a lawfully established habitable 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 requirements of MCC 36.2060 and the development standards of MCC 36.2105.

(3) A replacement dwelling located within 200 feet of the original dwelling location shall satisfy the dimensional requirements of MCC 36.2060, and the fire protection standards in MCC 36.2105(A)(5)(e) and (B).

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 36.0515, and 36.2045 and 36.2056.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 36.2045.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 36.2020 (D), or 36.2025 (A) or (B), or 36.2030 (A) or (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 pursuant to all applicable approval criteria, including but not limited to MCC 36.2045, 36.2056 and 36.2061.

(F) Signs, pursuant to the provisions of MCC 36.7400 through 36.7505.

(G) Off-street parking and loading as required by MCC 36.4100 through 36.4215.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 36.2070.

* * *

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria~~ of MCC 36.6175 through 36.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 36.2065, 36.2073 and 36.7700 et seq.

Section 43. §§ 33.2030, 33.2230, 33.2430, 35.2030, 35.2230 and 36.2030 are amended as follows:

[CFU-1]

33.2030 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 33.2035 and 33.2105.~~

~~(BA)~~ The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2045, 33.2050, 33.2056, 33.2105, 33.2061, 33.6000 through 33.6010, and 33.6100 through 33.6230:

* * *

~~(CB)~~ The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2045, 33.2050, 33.2056, 33.2105, 33.2061, 33.6300 through 33.6315, 33.6325 through 33.6340, 33.6500 through 33.6535.

* * *

~~(DC)~~ Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-1 zoning district.

~~(E) Lots of Exception pursuant to the provisions of MCC 33.2065.~~

[CFU-2]

33.2230 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 33.2235 and 33.2305.~~

~~(B) A Temple Dwelling pursuant to the provisions of MCC 33.2240 (A), and 33.2305.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 33.2240 (B), and 33.2305.~~

~~(D)~~ (A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2245, 33.2250, 33.2256, 33.2305, 33.2261, 33.6000 through 33.6010, and 33.6100 through 33.6230.

* * *

~~(E)~~ (B) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2245, 33.2250, 33.2256, 33.2305, 33.2261, 33.6300 through 6315, 33.6325 through 33.6340, 33.6500 through 33.6535.

* * *

~~(F)~~ (C) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-2 zoning district.

* * *

~~(G) Lots of Exception pursuant to the provisions of MCC 33.2265.~~

[CFU-5]

33.2430 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

~~(A) A Template Dwelling pursuant to the provisions of MCC 33.2440, and 33.2505.~~

(BA) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2445, 33.2450, 33.2456, 33.2505, 33.2461, 33.6000 through 33.6010, and 33.6100 through 33.6230:

* * *

(CB) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2445, 33.2450, 33.2456, 33.2505, 33.2461, 33.6300 through 33.6315, 33.6325, 33.6330, and 33.6500 through 33.6535:

* * *

(D) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-5 zoning district.

~~(E) Lots of Exception pursuant to the provisions of MCC 33.2465.~~

[CFU-3]

35.2030 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) The following Community Service Uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 35.2045, 35.2050, 35.2056, 35.2105, 35.2061, 35.6000 through 35.6010, and 35.6100 through 35.6230:

* * *

(B) The following uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 35.2045, 35.2050, 35.2056, 35.2105, 35.2061, 35.6300 through 35.6315, 35.6325 through 35.6340, and 35.6500 through 35.6535:

* * *

(C) Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 35.6650 through 35.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-3 zoning district.

[CFU-4]

35.2230 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 35.2235, 35.2245 (B) and 35.2305.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 35.2240 (A), 35.2245 (B) and 35.2305.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 35.2240 (B), 35.2245 (B) and 35.2305.~~

~~(D)~~ The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2245, 35.2250, 35.2256, 35.2305, 35.2261, 35.6000 through 35.6010, and 35.6100 through 35.6230.

* * *

~~(E)~~ The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2245, 35.2250, 35.2256, 35.2305, 35.2261, 35.6300 through 35.6315, 35.6325 through 35.6340, and 35.6500 through 35.6535.

* * *

~~(F)~~ Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 35.6650 through 35.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-4 zoning district.

* * *

~~(G) Lots of Exemption pursuant to the provisions of MCC 35.2265.~~

[CFU]

36.2030 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 36.2035 and 36.2105.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 36.2040 (A) and 36.2105.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 36.2040 (B) and 36.2105.~~

~~(DA)~~ The following Community Service Uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 36.2045, 36.2050, 36.2056, 36.2105, 36.2061, and 36.6000 through 36.6020. The applicable criteria of 36.6010 shall be limited to (A) through (H) for uses in this section.

* * *

~~(EB)~~ The following uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 36.2045, 36.2050, 36.2056, 36.2105, 36.2061, 36.6300 through 36.6335, and 36.6500 through 36.6535. The applicable criteria of 36.6315 shall be limited to (1) through (7) for the uses in this section:

* * *

~~(FC)~~ Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 36.6650 through 36.6660 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;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU zoning district.

Section 44. §§ 33.2235, 33.2035, 35.2235 and 36.2035 are amended as follows:

[CFU-2]

33.2235 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract, subject to the following:

* * *

(D) The dwelling meets the applicable development standards of MCC 33.2256 and 33.2261.

[CFU-1]

33.2035 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract or tracts, subject to the following:

* * *

(I) The dwelling meets the applicable development standards of MCC 33.2056 and 33.2061.

[CFU-4]

35.2235 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract, subject to the following:

* * *

(I) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261.

[CFU]

36.2035 Large Acreage Dwellings

A large acreage dwelling may be sited on a tract, subject to the following:

* * *

(I) The dwelling meets the applicable development standards of MCC 36.2056 and 36.2061.

Section 45. §§ 33.2240, 33.2440, 35.2240 and 36.2040 are amended as follows:

[CFU-2]

33.2240 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 33.2275;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 33.2256 and 33.2261~~33.2305~~ ~~with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 33.2310, as applicable;~~

* * *

(7) The dwelling meets the applicable development standards of MCC 33.2256 and 33.2261~~33.2305~~;

* * *

(B) A *heritage tract dwelling* may be sited, subject to the following:

* * *

(5) The dwelling meets the applicable standards of MCC MCC 33.2256 and 33.2261~~33.2305~~.

[CFU-5]

33.2440 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 33.2475;
- (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 33.2456 and 33.2461~~33.2505 with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 33.2510, as applicable;~~

* * *

- (7) The dwelling meets the applicable development standards of MCC 33.2456 and 33.2461~~33.2505;~~

* * *

[CFU-4]

35.2240 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 35.2275;
- (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 35.2256 and 35.2261~~35.2305 with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 35.2310, as applicable;~~

* * *

- (7) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261~~35.2305;~~

* * *

(B) A *heritage tract dwelling* may be sited, subject to the following:

* * *

- (5) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261~~33.2305.~~

[CFU]

36.2040 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 36.2075;
- (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 36.2036 and 36.2061~~36.2105 with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet~~

to all other property lines. Exceptions to this standard shall be pursuant to MCC 36.2110, as applicable;

* * *

(7) The dwelling meets the applicable development standards of MCC 36.2056 and 36.2061~~36.2105~~;

* * *

(B) A heritage tract dwelling may be sited, subject to the following:

* * *

(5) The dwelling meets the applicable development standards of MCC 36.2056 and 36.2061~~36.2105~~.

Section 46. §§ 33.2250, 33.2050, 33.2450, 35.2050, 35.2250 and 36.2050, Building Height Requirements, are added as follows:

33.2250 Building Height Requirements
33.2050 Building Height Requirements
33.2450 Building Height Requirements
35.2050 Building Height Requirements
35.2250 Building Height Requirements
36.2050 Building Height Requirements

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Section 47. §§ 33.2256, 33.2056, 33.2456, 35.2056, 35.2256 and 36.2056 are added as follows:

[CFU-2]

§ 33.2256 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>

Use	Forest Practice Setbacks			Fire Safety Zones
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Heritage Tract Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 33.2310.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-1]

§ 33.2056 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 33.2110.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-5]

§ 33.2456 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2510 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 33.2510.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

§ 35.2056 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 35.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 35.2110.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-4]

§ 35.2256 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>	<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>	
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Heritage Tract Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 35.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 35.2310.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU]

§ 36.2056 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

<u>Use</u>		<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Heritage Tract Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary & Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 36.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) 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.

(b) 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:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

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 36.2110.

(3) No requirement in (1) or (2) 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

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

Section 48. §§33.2260, 33.2060, 33.2460, 35.2060, 35.2260 and 36.2060 are deleted as follows:

33.2260 Dimensional Requirements

(A) Except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280, the minimum lot size for new parcels or lots 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 33.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2305 (A) (5) (c) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2220 (D) and (E) and 33.2225 (B) need not satisfy the development standards of MCC 33.2305 if originally legally established to a lesser standard than that required by MCC 33.2305, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2220 (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 33.2305 (A) (5) (c) 2.

33.2060 Dimensional Requirements

(A) Except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080, the minimum lot size for new parcels or lots 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 33.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2105 (A) (5) (c) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under 33.2020 (D) and (E) and 33.2025 (B) need not satisfy the development standards of MCC 33.2105 if originally legally established to a lesser standard than that required by MCC 33.2105, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2020 (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 33.2105 (A) (5) (c) 2.

33.2460 Dimensional Requirements

(A) Except as provided in MCC 33.2465, 33.2470, 33.2475, and 33.2480, the minimum lot size for new parcels or lots 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 33.2510, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2505 (A) (5) (c) (2).

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2420 (D) and (E) and 33.2425 (B) need not satisfy the development standards of MCC 33.2505 if originally legally established to a lesser standard than that required by MCC 33.2505, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2420 (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 33.2505 (A) (5) (c) (2).

35.2060 Dimensional Requirements

(A) Except as provided in MCC 35.2070, 35.2075, and 35.2080, the minimum lot size for new parcels or lots 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 35.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2105 (A) (5) (e) 2.~~

~~(D) 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.~~

~~(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.~~

~~(F) Yards for the alteration, replacement or restoration of dwellings under 35.2020 (D) and (E) and 35.2025 (B) need not satisfy the development standards of MCC 35.2105 if originally legally established to a lesser standard than that required by MCC 35.2105, but in no case shall they be less than those originally established.~~

~~(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 35.2020 (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 35.2105 (A) (5) (e) 2.~~

35.2260 Dimensional Requirements

~~(A) Except as provided in MCC 35.2265, 35.2270, 35.2275, and 35.2280, the minimum lot size for new parcels or lots 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 35.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2305 (A) (5) (e) 2.~~

~~(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 35.2220 (D) and (E); and 35.2225 (B) need not satisfy the development standards of MCC 35.2305 if originally legally established to a lesser standard than that required by MCC 35.2305, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 35.2220 (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 35.2305 (A) (5) (e) 2.

36.2060 Dimensional Requirements.

(A) Except as provided in MCC 36.2065, 36.2070, 36.2075, and 36.2080, 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 36.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 36.2105 (A) (5) (e) 2.

(D) 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.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under 36.2020 (D) and (E) and 36.2025 (B) need not satisfy the development standards of MCC 36.2105 if originally legally

established to a lesser standard than that required by MCC 36.2105, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 36.2020 (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 36.2105 (A)(5)(e) 2.

(H) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(I) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

Section 49. § 36.2095 is added as follows:

[CFU]

36.2095 Sewage, Storm Water, Water Systems and Grading Requirements

(A) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source shall be provided on the lot.

(1) Sewage and storm water disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Storm water/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(B) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

Section 50. §§ 33.2305, 33.2105, 33.2505, 35.2105, 35.2305 and 36.2105 are renumbered and amended to read as follows:

[CFU-2]

33.2305-2261 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2261;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2261;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2261(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2261(C) and the applicable driveway/road requirements of 33.2261(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2261(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2261;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2261(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2261;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2261(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2256;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2261(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-1]

33.2105-2061 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2061(C) and the applicable driveway/road requirements of 33.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-5]

33.2505-2461 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2461;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2461(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2461;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2461(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2461(C) and the applicable driveway/road requirements of 33.2461(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2461(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2461(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2461;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2461(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2461;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2461(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2456;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2461(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-3]

35.2405-2061 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 35.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 35.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 35.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 35.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 35.2061(C) and the applicable driveway/road requirements of 35.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 35.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 35.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 35.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 35.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 35.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.
- (8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-4]

35.2305-2261 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 35.2261;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 35.2261(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 35.2261;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 35.2261(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 35.2261(C) and the applicable driveway/road requirements of 35.2261(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 35.2261(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2261(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 35.2261;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2261(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 35.2261;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 35.2261(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2256;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 35.2261(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU]

36.2105-2061 Development Standards for Dwellings and Structures

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 36.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 36.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 36.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 36.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 36.2061(C) and the applicable driveway/road requirements of 36.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 36.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 36.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 36.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 36.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 36.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 36.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 36.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) 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

(3) 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 of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the

driveway standards of MCC 36.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) 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) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) 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 1 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.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored 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.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

Section 51. §§ 33.2263, 33.2063, 33.2463, 35.2063, 35.2263 and 36.2063 are added as follows:

[CFU-2]

§ 33.2263 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-1]

§ 33.2063 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-5]

§ 33.2463 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2465, 33.2470, 33.2475, and 33.2480.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-3]

§ 35.2063 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 35.2070, 35.2075, and 35.2080.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 35.7895(D).

[CFU-4]

§ 35.2263 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 35.2265, 35.2270, 35.2275, and 35.2280.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 35.7895(D).

[CFU]

§ 36.2063 Lot Size Requirements

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 36.2065, 36.2070, 36.2075, and 36.2080.

(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) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 36.7895(D).

Section 52. §§ 33.2265, 33.2065, 33.2465, 35.2265 and 36.2065 are amended as follows:

[CFU-2]

33.2265 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.22602263(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.22602263(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.22602263(A);
- (5) The division complies with the dimensional requirements of MCC 33.22562260 ~~(C)~~ through ~~(E)~~; and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2260~~(C)~~33.2256 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 33.2305~~2261~~²²⁶¹, the exception standards for secondary fire safety zones in MCC 33.2310, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU-1]

33.2065 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2060-2063(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2060-2063(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.2060-2063(A);
- (5) The division complies with the dimensional requirements of MCC 33.2060-2056 (C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2060(C)2056 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.
- (6) The development standards for dwellings and structures in MCC 33.2105~~2061~~²⁰⁶¹, the exception standards for secondary fire safety zones in MCC 33.2110, and the land division requirement that

“the tentative plan complies with the area and dimensional requirements of the underlying zoning district” shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU-5]

33.2465 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2460-~~2463~~(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

(1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2460-~~2463~~(A);

(2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(4) The division will create no more than one lot which is less than the minimum area required in MCC 33.2460-~~2463~~(A);

(5) The division complies with the dimensional requirements of MCC 33.2460-~~2456~~(C) through ~~(E)~~; and

(6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 33.2460-~~2456~~(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 33.2505-~~2461~~, the exception standards for secondary fire safety zones in MCC 33.2510, and the land division requirement that “the tentative plan complies with the area and dimensional requirements of the underlying zoning

district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU-4]

35.2265 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 35.2260-2263(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

(1) The Lot of Record to be divided exceeds the area requirements of MCC 35.2260-2263(A);

(2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(4) The division will create no more than one lot which is less than the minimum area required in MCC 35.2260-2263(A);

(5) The division complies with the dimensional requirements of MCC 35.2260-2256(C) through (E); and

(6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(5) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 35.2260-2256(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 35.2305-2261, the exception standards for secondary fire safety zones in MCC 35.2310, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

[CFU]

36.2065 Lots of Exception.

An exception to permit the creation of a lot of less than the minimum 80 acre parcel size for new parcels may be authorized as provided in (A) or (B) below and subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided is larger than 80 acres;
- (2) The Lot of Exception will contain a dwelling which lawfully existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres;
- (4) The division will create no more than one lot which is less than 80 acres;
- (5) The division complies with the dimensional requirements of MCC 36.2060-2056(C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. 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.

(B) A parcel that contains two dwellings may be divided provided that:

* * *

(6) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 36.2060-2056(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas; and
- (7) The development standards for dwellings and structures in MCC 36.2105-2061, the exception standards for secondary fire safety zones in MCC 36.2110, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

* * *

Section 53. §§ 33.2070, 33.2270, 33.2470, 35.2070, 35.2270, and 36.2070 are amended as follows:

[CFU-1]

33.2070 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, An-an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 33.20602056(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; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2073 are met after the relocation of the common property line.

[CFU-2]

33.2270 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, An-an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 33.22602256(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; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2273 are met after the relocation of the common property line.

[CFU-5]

33.2470 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, An-an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 33.24602456(E) 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; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2473 are met after the relocation of the common property line.

[CFU-3]

35.2070 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 35.7790, An-an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 35.20602056(E) 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; and
- (5) If the properties abut a street, the required access requirements of MCC 35.2073 are met after the relocation of the common property line.

[CFU-4]

35.2270 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 35.7790, An-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 35.22602256(C) through (D); 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; and
- (5) If the properties abut a street, the required access requirements of MCC 35.2273 are met after the relocation of the common property line.

[CFU]

36.2070 Lot Line Adjustment; Property Line Adjustment

(A) Pursuant to the applicable provisions in MCC 33.7790, An-an adjustment of the common lot line between contiguous Lots of Record may be authorized 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 36.20602056(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; and
- (5) If the properties abut a street, the required access requirements of MCC 36.2073 are met after the relocation of the common property line.

Section 54. §§ 33.2290, 33.2090, 33.2490, 35.2090, 35.2290 and 36.2090 are renumbered and amended as follows:

[CFU-2]

33.2290-2273 Access

Any All lots and parcels 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, **except as provided for Lots of Record at MCC 33.2275(C).**

[CFU-1]

33.2090-2073 Access

Any All lots and parcels 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, **except as provided for Lots of Record at MCC 33.2075(C).**

[CFU-5]

33.2490-2473 Access

Any All lots and parcels 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, **except as provided for Lots of Record at MCC 33.2475(C).**

[CFU-3]

35.2090-2073 Access

Any All lots and parcels 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, **except as provided for Lots of Record at MCC 35.2075(C).**

[CFU-4]

35.2290-2273 Access

Any All lots and parcels 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, **except as provided for Lots of Record at MCC 35.2275(C).**

[CFU]

36.2090-2073 Access

Any All lots and parcels 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, **except as provided for Lots of Record at MCC 36.2075(C).**

Section 55. §§ 33.2275, 33.2075, 33.2475, 35.2075, 35.2275 and 36.2075 are amended as follows:

[CFU-2]

33.2275 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2290~~2273~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-1]

33.2075 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2090~~2073~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-5]

33.2475 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2490~~2473~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-3]

35.2075 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.2090~~2073~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU-4]

35.2275 Lot of Record

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.2290~~2273~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

[CFU]

36.2075 Lot of Record.

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 36.2090~~2073~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

* * *

Section 56. §§ 33.2280, 33.2080, 33.2480, 35.2080, 35.2280 and 36.2080 are amended as follows:

[CFU-2]

33.2280 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 33.2260-2263(A) may be created for the uses listed in MCC 33.2220(S)(R) and 33.2230(D)(A)(1) through (6), (9) through (13), and (16) and (E)(B)(1) through (4), after approval is obtained pursuant to MCC 33.2245 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.

[CFU-1]

33.2080 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 33.2060-2063(A) may be created for the uses listed in MCC 33.2020(S)(R) and 33.2030(B)(A)(1) through (6), (9) through (13), and (16) and (C)(B)(1) through (4), after approval is obtained pursuant to MCC 33.2045 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.

[CFU-5]

33.2480 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 33.2460-2463(A) may be created for the uses listed in MCC 33.2420(S)(R) and 33.2430(B)(A)(1) through (6), (9) through (13), (16), and (C)(B)(1) through (4), after approval is obtained pursuant to MCC 33.2445 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.

[CFU-3]

35.2080 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 35.2060-2063(A) may be created for the uses listed in MCC 35.2020(S)(R) and 35.2030(A)(1) through (6), (9) through (13), and (16) and (B)(1) through (4), after approval is obtained pursuant to MCC 35.2045 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.

[CFU-4]

35.2280 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC 35.2260-2263(A) may be created for the uses listed in MCC 35.2220(S)(R) and 35.2230(D)(A)(1) through (6), (9) through (13), and (16) and (E)(B)(1) through (4), after approval is obtained pursuant to MCC 35.2245 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.

[CFU]

36.2080 Lot Size for Conditional Uses.

Lots less than the minimum specified in MCC 36.2060-2063(A) may be created for the uses listed in MCC 36.2020(S)(R) and 36.2030(A)(D)(1) through (6), (9) through (13), and (16) and (B)(E)(1) through (4), after approval is obtained pursuant to MCC 36.2045 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.

Section 57. §§ 33.2255, 33.2055, 33.2455, 35.2055, 35.2255, and 36.2055 are renumbered as follows:

[CFU-2]

33.2255-2307 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-1]

33.2055-2107 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-5]

33.2455-2507 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-3]

35.2055-2107 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU-4]

35.2255-2307 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

[CFU]

36.2055-2107 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices

* * *

Section 58. §§ 33.2310, 33.2110, 33.2510, 35.2110, 35.2310 and 36.2110 are amended as follows:

[CFU-2]

33.2310 Exceptions to Secondary Fire Safety Zones and Forest Practices ~~Tract~~ Setbacks

(A) The secondary fire safety zone ~~and forest practices tract setbacks~~ for dwellings and structures may be reduced pursuant to the provisions of 33.2310 (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.

(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 33.2310 (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 33.2310 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 33.2220 ~~(D)33.2225(A)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC 33.2305-2261 ~~(B)(C)(3)~~ above.

(6) All accessory structures within the fire safety zone setbacks required by MCC ~~33.2305~~33.2256 shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building containing shall:

~~(a) Have a central monitored alarm system;~~

(b) ~~H~~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.

[CFU-1]

33.2110 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 33.2110 (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.

(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 33.2110 (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 33.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 33.2020 ~~2025(DA)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC ~~33.21052061(B)(C)(3)~~ ~~above~~.

- (6) All accessory structures within the fire safety zone setbacks required by MCC 33.21052056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 feet of a building shall:
 - (a) ~~Have a central monitored alarm system;~~

(b) ~~H~~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.

[CFU-5]

33.2510 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 MCC 33.2510 (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.

(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 33.2510 (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 33.2510 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 33.2420~~(D)~~2425(A) shall not be required to meet this standard, but shall satisfy the standard of MCC 33.2505~~33.2456~~2461(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 33.2505~~33.2456~~ shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

[CFU-3]

35.2110 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 35.2110 (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.

(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 35.2110 (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 35.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 35.2020-2025 ~~(DA)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC 35.2110 ~~2061(B)(C)(3)~~ above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 35.2105 ~~2056~~, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

[CFU-4]

35.2310 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 35.2310 (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.

(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 35.2310 (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 35.2310 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 35.2220-2225 (DA) shall not be required to meet this standard, but shall satisfy the standard of MCC 35.2305 2261(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 35.2305 2256, and all accessory structures within 50 of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

[CFU]

36.2110 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 36.2110 (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.

(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 36.2110 (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 36.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 36.2020-2025 (DA) shall not be required to meet this standard, but shall satisfy the standard of MCC 36.2110 2061(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 36.2105-2056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet 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.

Section 59. §§ 33.2620, 33.2820, 33.3120, 33.3320, 33.4755, 34.2620, 34.2820, 34.3120, 34.3320, 34.4755, 35.2620, 35.2820, 35.3120, 35.3320, 35.4755, 36.2620, 36.2820, 36.3120, 36.3320, and 38.1010 are amended as follows:

33.2620 Allowed Uses

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 33.0005 (H) (6) (a). Home occupations as defined by MCC 33.0005 (H) (6) (a) do not allow the level of activity defined in ORS 215.448.

* * *

33.2820 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (H) (6) (a).

* * *

33.3120 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (H) (6) (a);

* * *

33.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005-(H)(6)(a).

* * *

33.4755 Definition

Historical Landmark means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 33.0005-(H)(4).

34.2620 Allowed Uses

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 34.0005-(H)(6)(a). Home occupations as defined by MCC 34.0005-(H)(6)(a) do not allow the level of activity defined in ORS 215.448.

* * *

34.2820 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-(H)(6)(a);

* * *

34.3120 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-(H)(6)(a); and,

* * *

34.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-(H)(6)(a).

* * *

34.4755 Definition

Historical Landmark means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 34.0005-(H)(4).

35.2620 Allowed Uses

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a). Home occupations as defined by MCC 35.0005-(H)-(6)-(a) do not allow the level of activity defined in ORS 215.448.

* * *

35.2820 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a);

* * *

35.3120 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a);

* * *

35.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-(H)-(6)-(a).

* * *

35.4755 Definition

Historical Landmark means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 35.0005-(H)-(4).

36.2620 Allowed Uses.

* * *

(R) Type A home occupation pursuant to the definition and restrictions of MCC 36.0005-(H)-(6)-(a). Home occupations as defined by MCC 36.0005-(H)-(8)-(a) do not allow the level of activity defined in ORS 215.448.

* * *

36.2820 Allowed Uses.

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)-(8)-(a).

* * *

36.3120 Allowed Uses.

* * *

(F) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)(8)(a);
and,

* * *

36.3320 Allowed Uses

* * *

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)(8)(a).

* * *

38.1010 Expedited Uses.

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

* * *

(21) Replace an existing mobile home in a mobile home space within a mobile home park,
provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are
existing uses, as defined in MCC 38.0015-(E)(7);

FIRST READING:


July 20, 2006

SECOND READING AND ADOPTION:

July 27, 2006



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 07-27-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: R-2
Est. Start Time: 9:32 AM
Date Submitted: 07/10/06

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Apply for a Grant from the Oregon Bicycle and Pedestrian Program for Multnomah County

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>July 27, 2006</u>	Time Requested:	<u>5 Minutes</u>
Department:	<u>Dept. of Community Services</u>	Division:	<u>Land Use and Trans</u>
Contact(s):	<u>Mark Ashby</u>		
Phone:	<u>(503) 988-5050</u>	Ext.	<u>29640</u>
Presenter(s):	<u>Mark Ashby</u>	I/O Address:	<u>455/2</u>

General Information

1. What action are you requesting from the Board?

Endorsement of proposed grant application to Oregon Bicycle and Pedestrian Program Grant for Multnomah County.

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

The Oregon Department of Transportation's Pedestrian and Bicycle Grant Program is a statewide competitive grant program that provides approximately \$5 million every two years to Oregon cities, counties, and ODOT regional and district offices for design and construction of pedestrian and bicycle facilities. Staff sought the endorsement of the Multnomah County Bicycle/Pedestrian Citizens Advisory Committee for the proposed grant at the July 2006 meeting. The Program Offer that this proposal responds to is Thriving Economy - providing (transportation) choices to allow for accessibility and mobility throughout Multnomah County.

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

A grant not to exceed \$500,000 will be sought, requiring a 10% match from the Bicycle/Pedestrian Fund. There is no impact on general funds.

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

N/A

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

The County Bicycle/Pedestrian Citizen Advisory Committee has and will continue to provide input on the grant proposal.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
Oregon Department of Transportation
- **Specify grant (matching, reporting and other) requirements and goals.**
A 10% match from the County's Bicycle/Pedestrian Program is required.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one-time grant.
- **What are the estimated filing timelines?**
Applications are due July 28, 2006.
- **If a grant, what period does the grant cover?**
FY 2008
- **When the grant expires, what are funding plans?**
Funds are for capital construction.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
Costs will be covered through the local match.

ATTACHMENT B

Required Signatures

Department/
Agency Director:

Robert A Maestre

Date: 07/10/06

Budget Analyst:

[Signature]

Date: 07/18/06

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 07-27-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: R-3
Est. Start Time: 9:35 AM
Date Submitted: 06/30/06

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Apply for a Library Services and Technology Act (LSTA) Grant from the Oregon State Library for "Planning Adult Literacy Services for Multnomah County Library"

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>July 27, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Library</u>	Division:	<u>Adult Outreach Services</u>
Contact(s):	<u>Becky Cobb</u>		
Phone:	<u>(503) 988-5499</u>	Ext.	<u>85499</u>
		I/O Address:	<u>317</u>
Presenter(s):	<u>June Mikkelsen, Executive Assistant to the Director</u>		

General Information

1. What action are you requesting from the Board?

Request approval to apply for an LSTA grant through the Oregon State Library for a planning grant: "Planning Adult Literacy Services for Multnomah County Library."

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

Literacy has been defined as "using printed and written information to function in society, to achieve one's goals, and to develop one's knowledge and potential." According to the most recent Oregon Literacy, Inc. statistics (derived from national and state sources), the likelihood of being on welfare is inversely proportional to literacy levels. More than 380,000 adult Oregonians lack a high school diploma or GED, and 22% of adult Oregonians do not have high enough literacy skills to meet the demands of today's changing workforce. Their skill levels are too low to read the usage directions on a prescription bottle, fill out a job application, or help children with their homework. In Multnomah County, 15% of adults perform at the lowest literacy skill level (Level 1); in fact, well over a third of the county's population performs at Level 1 or 2. With low literacy skill levels

already higher than the national average, limited functional literacy continues to grow with the influx of new residents whose primary language is not English.

This project's goal is to identify what adult literacy learners need to become lifelong learners who can access all of the library's resources and services. The project's primary objective is to plan adult literacy library-based services for Multnomah County in collaboration with other service providers and agencies. Although Multnomah County Library does offer a handful of services that address adult literacy issues, there has been no coordinated effort to reassess the need for these services in light of a changing literacy landscape. The library will identify the ways in which other library services, such as outreach to correctional facilities or early literacy training for parents, can complement the library's adult literacy efforts.

Specific grant activities are to contract with a consultant to: 1) conduct assessment activities to determine who needs literacy services in our community (e.g., looking at demographics such as age, nationality, gender skill levels, ethnicity and special learning problems); 2) facilitate external conversations with other service providers and agencies; 3) use literacy partnership tools to identify our readiness to launch new adult literacy programs or to reinvigorate past services (e.g., Literacy Readiness Inventory and The Capacity Building Tool Kit); 4) facilitate internal discussions with library staff across program and service areas to talk about points of intersection, complementary efforts, and ways to fully integrate literacy programs into the library environment (e.g., family literacy, tutoring services, and technology training); and 5) develop a plan that can be implemented in stages. The consultant's final report will include a detailed description and analysis of the relevant factors affecting the library's goal of providing adult literacy library-based services, an analysis and discussion of community characteristics, and a summary of outcomes-based recommendations.

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

This is a one-year grant project with a total budget of \$75,672.

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 Library will facilitate external conversations (these may include surveys, questionnaires, informational interviews, and focus groups) with other service providers and agencies (e.g., schools, churches, community colleges, jails, health and human service providers, and refugee organizations).

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

The Oregon State Library is the granting agency.

- **Specify grant (matching, reporting and other) requirements and goals.**

Local matching support for grant projects funded from LSTA sources is not required by federal or state regulations. However, cash and/or in-kind support is expected as evidence of local commitment to the project objectives. Quarterly progress reports are required, with a full report at the end of the project.

- **Explain grant funding detail – is this a one time only or long term commitment?**

This is a one-year project. The total budget is \$75,672, with \$5,517 local cash support, \$28,863 local in-kind (personnel), and \$41,292 requested in LSTA funds.

- **What are the estimated filing timelines?**

The full grant proposal is due August 11, 2006.

- **If a grant, what period does the grant cover?**

The grant will begin February 1, 2007 and end on January 31, 2008.

- **When the grant expires, what are funding plans?**

This is a one-year planning grant.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

Indirect charges will be covered by the LSTA funds.

ATTACHMENT B

Required Signatures

Department/
Agency Director:

Molly Raphael

Date: 06/30/06

Budget Analyst:

Debra

Date: 06/30/06

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 07.27.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: R-4
Est. Start Time: 9:40 AM
Date Submitted: 06/27/06

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Apply for Grant Funding from the U.S. Environmental Protection Agency for Promotion of Environmentally Preferable Purchasing and Toxics Reduction

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>July 27, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of County Management</u>	Division:	<u>Director's Office/Sustainability</u>
Contact(s):	<u>Molly Chidsey</u>		
Phone:	<u>503-988-4094</u>	Ext.	<u>84094</u>
		I/O Address:	<u>5034</u>
Presenter(s):	<u>Molly Chidsey</u>		

General Information

1. What action are you requesting from the Board?

Approval to apply for grant funding from U.S. Environmental Protection Agency (U.S. EPA).

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

U.S. EPA Resource Conservation Challenge Grant program issued a request for proposals on June 21, 2006 for projects that "Promot[e] Environmentally Preferable Purchasing such as through Environmental Management Systems in state and local governments, hospitals, and federal facilities." The Multnomah County Sustainability Initiative intends to submit a proposal to fund implementation of purchasing actions adopted in the Toxics Reduction Strategy, adopted by the Board in Res. 06-073.

This funding, if granted, would provide critical assistance to county Central Contracts and Procurement Administration (CPCA) and Sustainability Initiative in implementing adopted actions such as development of specifications for the purchase of products that do not contain heavy metals and other chemicals of concern to human health and the environment.

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

If funded, grant funds would be received in 2007, for use during FY07 and potentially FY08 (depending on the level of funding awarded). Fiscal impact to the county would be minimal, as most of the grant funds would go toward hiring part-time temporary staff to implement the grant project. The proposal requests funding in the amount of approximately \$20,000, with matching funds provided from already-alloted Sustainability Team staff time in the form of project oversight.

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.

If funded, citizen participation in this project will take place via the Toxics Reduction Strategy steering committee, on which there are two seats available to members of the public. This steering committee would provide guidance to the grant funded project.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
U.S. Environmental Protection Agency (U.S. EPA)
- **Specify grant (matching, reporting and other) requirements and goals.**
FY06 Resource Conservation Challenge Funding Program is EPA Region 10's competitive funding program that promotes solid waste management and pollution prevention projects. The Region expects to award four to eight grants. Grant recipients will be required to submit semi-annual progress reports and will have to participate in annual reviews of their projects with their U.S. EPA project officer.
- **Explain grant funding detail – is this a one time only or long term commitment?**
Grant funding will span one year from receipt of funds. Funding will support a temporary part-time staff for project administration.
- **What are the estimated filing timelines?**
Grant applications are due August 7, 2006.
- **If a grant, what period does the grant cover?**
U.S. EPA notes that it is preferable that the project be completed within one to two years. It is the intention of this application for a one-year project.
- **When the grant expires, what are funding plans?**
None identified or necessary at this time.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
Impacts will be minimal. Project oversight will be provided by Sustainability Team staff. Grant funds would help reduce County staff time required to implement purchasing actions identified in the Toxics Reduction Strategy. Overhead costs will be figured into the request for funding.

ATTACHMENT B

Required Signatures

Department/
Agency Director:

David G. Boyer

Date: 06/27/06

Budget Analyst:

Debra

Date: 07/19/06

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: R-5
Est. Start Time: 9:45 AM
Date Submitted: 07/10/06

BUDGET MODIFICATION: -

Agenda Title: ORDER Approving an Exemption to Increase the Amount of the Contract with Erwin Construction Company Beyond the 33% Limit for the Elections Building Combined Upgrade Project

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	July 27, 2006	Time Requested:	5 minutes
Department:	Dept. of County Management	Division:	CPCA on behalf of FPM
Contact(s):	Gail H Rubin		
Phone:	503 998-5111	Ext.	22651
I/O Address:	503/4		
Presenter(s):	John A Lindenthal, Clark R Jurgemeyer		

General Information

1. What action are you requesting from the Board?

The Department of County Management, Facilities and Property Management (FPM) is requesting an exemption to increase the amount of the contract with Erwin Construction Company beyond the 33% limit for the Elections Building Combined Upgrade Project.

Request for exception to the agenda submission process and timeline

FPM requests the Board review and approval process be expedited due to the fact that the contract with Erwin Construction Company expires on July 31, 2006. FPM wishes to complete the entire project while the contractor is still on site, thus optimizing the construction cost savings and minimizing the disruption to the operations of the Elections Division.

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

The County currently has a contract with Erwin Construction Company for the Elections Building Combined Upgrade Project Phase I. The contractor was selected through a formal competition (Bid

B05-8488). The contractor has been awarded numerous change orders due to unforeseen conditions, scope modifications, and program omissions. Now the Elections Division has requested the addition of three doors, which is necessary for the security and safety of the Elections Building. The aggregate increase resulting from all amendments will exceed 33% of the original contract price. The additional doors were included in the original design of the project but were excluded in the final plan due to budget changes. FPM has evaluated the additional work and determined that it can be performed while the contractor is on site, and the cost will be below what it would cost if a contract for that work were awarded through a competitive solicitation.

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

The original contract amount is \$535,261. With all the contract amendments, including those proposed in this exemption request, the new contract amount is \$735,261, representing a 38% increase in total project cost. Funding is available for the additional work.

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

This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Rule 49-0910.

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

None.

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 07/10/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



Department of County Management
MULTNOMAH COUNTY OREGON

Facilities and Property Management
401 North Dixon
Portland, Oregon 97227
(503) 988-3322 phone
(503) 988-5082 fax

DATE: June 28, 2006

TO: Public Contract Review Board
Multnomah County Oregon

FROM: Doug Butler, Manager
Facilities and Property Management

SUBJECT: REQUEST APPROVAL TO AMEND CONTRACT NUMBER
4600005413 WITH ERWIN CONSTRUCTION COMPANY FOR
FOR BUILDING ALTERATION AND REPAIR AT THE ELECTIONS
BUILDING

For Doug Butler 7/3/06
OK RAK 7/3/06

General

Facilities and Property Management requests the Public Contract Review Board to approve Amendments #9 and #10 to contract number 460005413 with Erwin Construction Company for the purpose of adding funding for building alteration and repairs on the Elections Building Combined Upgrade Phase 1.

Background

Contracts for Public Improvements require the approval of the Public Contract Review Board (PCRB) to amend a contract in an amount exceeding 33% of the original amount of the contract, under PCRB Rule 49-0910, Changes to the work and Contract Amendments.

The County currently has a contract in place with Erwin Construction Company for the construction of the Elections Building Combined Upgrade Project Phase 1. Formal competition (Bid #B05-8488) was solicited for the original contract and the contract was awarded to the contractor named above as the most responsive, responsible contractor.

The original amount of the contract was \$535,261. The services included remodeling building spaces and systems to accomplish installing a new elevator to serve three floors in the existing building; construct a new exit stair and vestibule from the basement; and miscellaneous building maintenance and upgrades.

Amendment #1 was executed against this contract. Amendment #1 added 107 days to the existing contract extending its completion to July 31, 2006

and added \$9487 for door hardware not listed on the original schedule. The increase to the contract added 2%. See Attachment 1.

Amendment #2 was executed against this contract. Amendment #2 added \$5,565.63 per Construction Change Directives 2-7. The amendment brought the total of changes to 3% of the original balance. See Attachment 2.

Amendment #3 was executed against this contract. Amendment #3 added \$9,270.34 per Construction Change Directives 1 and 8-15. The amendment brought the total of changes to 4%. See Attachment 3.

Amendment #4 was executed against this contract. Amendment #4 added \$28,814.01 per Construction Change Directives 16-30. The amendment increased the total of amendments to 10% of the original contract balance. See Attachment 4.

Amendment #5 was executed against this contract. Amendment #5 added \$29,759.92 per Construction Change Directives 31-47. Amendment #5 increased the original contract balance by 16%. See Attachment 5.

Amendment #6 was executed against this contract. Amendment #6 added \$24,776 per construction change directives 48-66. Amendment #6 increased the original balance by 20%. See Attachment 6.

Amendment #7 was executed against this contract. Amendment #7 added \$25,258.63 per construction change directives 67-84. Amendment #7 brought the cumulative total to 25% over the original balance. See Attachment 7.

Amendment #8 was executed against this contract. Amendment #8 added \$18,746.50 per Construction Change Directives 85-124. Amendment #8 brought the cumulative total to 28% of the original contract amount. See Attachment 8.

Scope of Services and Estimated Cost

FPM has adequate funds to complete the Combined Upgrade Project (CP10.04.21) within the 33% limit required by Public Contract Review Board (PCRB) regulations. However, the client has requested and will fund the addition of three doors (and associated carpentry and electrical work). Since the General Contractor is on site and the additional work would fall under existing design and permit conditions, we would like to add the client-requested work to the existing contract total. Continuation of contractor's service without interruption is the most effective and least disruptive to client (Elections) operations.

Amendment #9 for client requested work has been estimated by the contractor to cost:

(1) Replace east door with power-assisted operation	\$ 9,095
(2) Install new east door in new counter partition, with power-assist & card reader	\$ 10,726
(3) Install new north door in new counter partition, with card reader	\$ 9,256
Total	\$ 29,077

Amendment #10 for additional work the project manager expects may be required to complete the original project scope is estimated to be no more than \$18,945.

Summary

This letter requests authorization to exceed the original contract amount by more than 33%. The contract total will become \$735,261 or 38% higher than the original contract balance (\$535,261) and now requires Public Contract Review Board Approval to proceed. Adequate funding exists in the program budget to perform the additional work. Contractor is already on site performing work. Prudent contract management and construction practices dictate that the additional work would best performed in conjunction with the original contract work and permit; plus the contract establishes the method of arriving at the price for the additional work with the least disruption of Elections Division operations.

Facilities and Property Management believes it to be in the best interest of Multnomah County and the public to approve this amendment to the contract for project completion for the reasons stated above.

Please contact Clark Jurgemeyer, Project Manager, at extension 83074 if additional information is required.

c: Clark Jurgemeyer
Warren Gray
David Laney
File

KWONG Catherine Y

From: GRAY Warren R
Sent: Thursday, July 06, 2006 2:09 PM
To: KWONG Catherine Y
Cc: JURGEMEYER Clark R; LINDENTHAL John A
Subject: Board Exemption

Catherine;

The answers to your questions are as follows:

1. The doors were not in the original scope as shown on Attachment 9 of the request. The client has requested those changes and is willing to pay for them. We already have a contractor on site and the project manager felt that costs would be less doing the work now while the contractor was on site rather than later after a quotation process and another mobilization at the site. The total project can be completed this month rather than potentially having to come back later, further disrupting the staff at Elections, and potentially having a delay on the project due to the upcoming November general election.
2. Change orders 9 and 10 are a result of timing of the requests. We could combine the known items, but there would still be an amendment 10 once we found out what the actual costs would be-see the contingency amount as shown on attachment 9. It is our preference to go the PCRB Board once as opposed to twice.
3. The board has not typically met past mid-month during the month of July. In order to keep the project on track and not have to extend the contract time we need to be on the mid-month meeting agenda.
4. The correct figure is 38%. I will send you a corrected page. Sorry, I thought I'd cleared up any discrepancies in the figures. The project budget has sufficient funds to cover the additional items. The problem is the dollar total amount of the additional requests would be over the 33% allowable maximum without board approval.

Should you have additional questions please feel free to contact either Clark at 83074 or at 503-209-4255 or myself at extension 84056.

Warren Gray, Contract Specialist, CCA, CCCA, CDT
Facilities Management
503-988-4056

Confidentiality Notice: This communication may contain privileged or other confidential information exempt from disclosure. If you are not the intended recipient, you may not use, copy, disseminate or retain this message. Please delete the copy you received and alert the sender to the transmission error. Thank you.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

ORDER NO. _____

Approving an Exemption to Increase the Amount of the Contract with Erwin Construction Company Beyond the 33% Limit for the Elections Building Combined Upgrade Project

The Multnomah County Board of Commissioners Finds:

- a. The Board is acting as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rule 49-0910, an exemption request from the Department of County Management, Facilities and Property Management Division, to increase the amount of the contract with Erwin Construction Company beyond the 33% limit for the Elections Building Combined Upgrade project.
- b. The County currently has a contract with Erwin Construction Company for the Elections Building Combined Upgrade Project Phase I. The contractor has been awarded numerous change orders due to unforeseen conditions, scope modifications, and program omissions. Now the Elections Division has requested the addition of three doors, which is necessary for the security and safety of the Elections Building. The aggregate increase resulting from all amendments will exceed 33% of the original contract price. The additional doors were included in the original design of the project but were excluded in the final plan due to budget changes. FPM has evaluated the additional work and determined that it can be performed while the contractor is on site, and the cost will be below what it would cost if a contract for that work were awarded through a competitive solicitation.
The contractor was selected through a formal competition (Bid B05-8488), and the additional doors are the same as the door in the original contract. Therefore it is not likely that the field of competition and contractor selection will be affected by the contract modification.
The original contract amount is \$535,261. With all the contract amendments, including those proposed in this exemption request, the new contract amount is \$735,261, representing a 38% increase in total project cost. Funding is available for the additional work.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Rule 49-0910.

The Multnomah County Board of Commissioners Orders:

The exemption to increase the amount of the contract with Erwin Construction Company beyond the 33% limit for the Elections Building Combined Upgrade Project be approved.

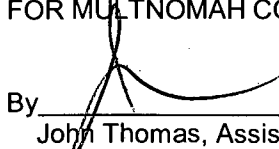
ADOPTED this 27th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON, ACTING
AS THE PUBLIC CONTRACT REVIEW BOARD

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By  _____
John Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

ORDER NO. 06-133

Approving an Exemption to Increase the Amount of the Contract with Erwin Construction Company Beyond the 33% Limit for the Elections Building Combined Upgrade Project

The Multnomah County Board of Commissioners Finds:

- a. The Board is acting as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rule 49-0910, an exemption request from the Department of County Management, Facilities and Property Management Division, to increase the amount of the contract with Erwin Construction Company beyond the 33% limit for the Elections Building Combined Upgrade project.
- b. The County currently has a contract with Erwin Construction Company for the Elections Building Combined Upgrade Project Phase I. The contractor has been awarded numerous change orders due to unforeseen conditions, scope modifications, and program omissions. Now the Elections Division has requested the addition of three doors, which is necessary for the security and safety of the Elections Building. The aggregate increase resulting from all amendments will exceed 33% of the original contract price. The additional doors were included in the original design of the project but were excluded in the final plan due to budget changes. FPM has evaluated the additional work and determined that it can be performed while the contractor is on site, and the cost will be below what it would cost if a contract for that work were awarded through a competitive solicitation.
The contractor was selected through a formal competition (Bid B05-8488), and the additional doors are the same as the door in the original contract. Therefore it is not likely that the field of competition and contractor selection will be affected by the contract modification.
The original contract amount is \$535,261. With all the contract amendments, including those proposed in this exemption request, the new contract amount is \$735,261, representing a 38% increase in total project cost. Funding is available for the additional work.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Rule 49-0910.

The Multnomah County Board of Commissioners Orders:

The exemption to increase the amount of the contract with Erwin Construction Company beyond the 33% limit for the Elections Building Combined Upgrade Project is approved.

ADOPTED this 27th day of July, 2006.



REVIEWED: _____

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

Agnes Sowle, County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON, ACTING
AS THE PUBLIC CONTRACT REVIEW BOARD


Diane M. Linn, Chair



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: R-6
Est. Start Time: 9:50 AM
Date Submitted: 07/19/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Designating Commissioner Lonnie Roberts and Commissioner Lisa Naito to Coordinate the County's Legislative Policy and Communications

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested: July 27, 2006 Time Requested: 5 minutes
Department: Non-Departmental Division: Cmsnrs. Roberts and Naito
Contact(s): Kristen West, x85213; Terri Naito, x85217
Phone: 503 988-5217 Ext. 85217 I/O Address: 503/600
Presenter(s): Commissioner Lonnie Roberts, Commissioner Lisa Naito

General Information

1. What action are you requesting from the Board?

Approval of resolution.

2. Please provide sufficient background information for the Board and the public to understand this issue.

At the direction of the Board of County Commissioners, the Public Affairs Office (PAO) prepares the County's bi-annual Legislative Agenda, and will do so again in anticipation of the 2007 Oregon Legislative Session. In addition, PAO was directed by the County's Legislative Agenda Budget Note in the Adopted FY 2007 Budget to craft a legislative agenda and language for the Board's consideration prior to the upcoming legislative session in Salem on certain items including State funding for seniors, the Oregon Health Plan and mental health services.

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 Legislative Agenda will be presented and discussed at an upcoming regular meeting of the Board of County Commissioners.

Required Signatures

**Department/
Agency Director:**

Lonnie Roberts

Date: July 19, 2006

Chris Nault

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Designating Commissioner Lonnie Roberts And Commissioner Lisa Naito To Coordinate
The County's Legislative Policy And Communications

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is mandated by State law to perform specific functions with State funds. Because the County relies on the State of Oregon for over 20% of its budget, changes at the State level significantly affect the County.
- b. At the direction of the Board of County Commissioners, the Public Affairs Office (PAO) prepares the County's bi-annual Legislative Agenda, and will do so again in anticipation of the 2007 Oregon Legislative Session. In addition, PAO was directed by the County's Legislative Agenda Budget Note in the Adopted FY2007 Budget to craft a legislative agenda and language for the Board's consideration prior to the upcoming legislative session in Salem on certain items including State funding for seniors, the Oregon Health Plan and mental health services
- c. Multnomah County is fortunate to have on its Board Commissioner Lonnie Roberts, an 18-year veteran of the Oregon Legislature who served with distinction as State Representative for House District 21 from 1981 to 1999; and Commissioner Lisa Naito, also a former State Representative who ably served House District 15 from 1991 to 1996.

The Multnomah County Board of Commissioners Resolves:

1. The Board designates Commissioner Lonnie Roberts and Commissioner Lisa Naito to coordinate the County's legislative policy and communications, with the assistance of the Public Affairs Office, until the 74th Legislative Assembly is convened in January 2007.

ADOPTED this 27th day of July 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Jacqueline A. Weber, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Designating Commissioner Lonnie Roberts And Commissioner Lisa Naito, in collaboration with the Chair and other Commissioners, To Coordinate The County's Legislative Policy And Communications

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is mandated by State law to perform specific functions with State funds. Because the County relies on the State of Oregon for over 20% of its budget, changes at the State level significantly affect the County.
- b. At the direction of the Board of County Commissioners, the Public Affairs Office (PAO) prepares the County's bi-annual Legislative Agenda, and will do so again in anticipation of the 2007 Oregon Legislative Session. In addition, PAO was directed by the County's Legislative Agenda Budget Note in the Adopted FY2007 Budget to craft a legislative agenda and language for the Board's consideration prior to the upcoming legislative session in Salem on certain items including State funding for seniors, the Oregon Health Plan and mental health services
- c. Multnomah County is fortunate to have on its Board Commissioner Lonnie Roberts, an 18-year veteran of the Oregon Legislature who served with distinction as State Representative for House District 21 from 1981 to 1999; and Commissioner Lisa Naito, also a former State Representative who ably served House District 15 from 1991 to 1996.

The Multnomah County Board of Commissioners Resolves:

1. The Board designates Commissioner Lonnie Roberts and Commissioner Lisa Naito, **in collaboration with the Chair and other Commissioners**, to coordinate the County's legislative policy and communications, with the assistance of the Public Affairs Office, until the 74th Legislative Assembly is convened in January 2007.

ADOPTED this 27th day of July 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE 7/27/06

SUBJECT: R-4

AGENDA NUMBER OR TOPIC: County's Legislative Policy & Communications

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Mary Ann Schwab

ADDRESS: 605 SE 38

CITY/STATE/ZIP: Portland, OR 97214

PHONE: _____ DAYS: (503) 236-3522 EVES: _____

EMAIL: e33schwab@west.net FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: How to access County's
pending Bills — 2007 Legislative Session?

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Beer tax increase circuitous route to funding schools

BY NANCY TANNER

An announcement by Portland Public Schools to close one of six schools in the Cleveland Cluster has parents and neighborhood residents alarmed. By the school year 2007 either Sellwood, Llewellyn, Grout, Lewis, Duniway or Winterhaven will be closed and yet another vacant school building will blight the inner city. It is now up to the citizenry lobby for a solution. Unfortunately there is no longer a lobbyist representing Portland Public Schools. (There is a list of contacts at the end of this article.)

One such solution proposed by Maryann Schuab, retired high school teacher and Sunnyside resident, is for Oregonians to raise the beer tax to ten cents per 12 oz. bottle since the tax has not been changed since 1977. It currently stands at 3/4 cent.

Schuab has advocated for this increase for years and said, "It is time the beer industry pays its fair share of the social and economic cost of its products. The alcoholic recovery costs are \$900 million each year paid by state dollars into human services because of alcohol and other drug problems."

The figures show that if the beer tax was increased, there would be more money in the general fund, enough to support every child pre-K through university including health services and public safety programs.

There is an 800 percent mark up in beer.

It is a known fact that once a school closes, property values drop. Since the City wants to keep families living in inner southeast neighborhoods it seems imperative to allocate funding to schools until funding is secured in Salem. (i.e. the proposed beer tax increase)

Another blow to the schools is the proposed \$1.6 million reduction in administrative costs proposed by Multnomah County Commissioners from the after school SUN Programs. This program began with former County Commissioner Bev Stein and was augmented by the enthusiasm of former City Commissioner Jim Francesconi. It was made clear at that time of the importance of a safe after school program for kids.

For many parents, the closure of these programs means either leaving their children alone until they return from work or securing childcare at a cost of at least \$300 per month; a hefty sum for many working parents.

The Portland Public Schools are at risk of losing another school in the Cleveland Cluster as well as major cutbacks in the after school Sun program. Schuab suggests that the people file a class action suit to stop the process. She said, "The time has come for governmental officials support to families who decided to raise

their children in the "city" vs Beaverton, or Gresham."

According to Bob Lawrence, spokesperson for P.P.S., on October 15, 2006 the School Board will make their recommendation about which school to close. Lawrence said, "We will also entertain other ideas such as a substitutions or whatever else the board recommends. We can accept, reject or change them."

To find out more about the Cleveland Cluster and Sunn schools go to: www.pps.k12.or.us.

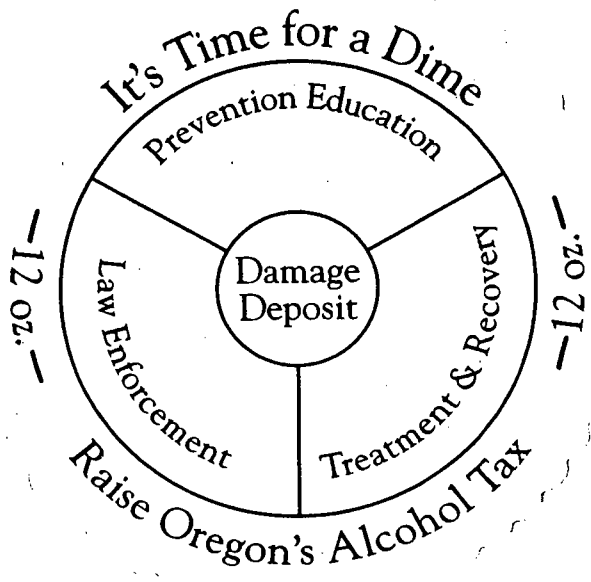
Contacts for the lobbying process are:

Vicki Phillips
 Portland Public Schools
 503.916.3200
vphillips@pps.k12.or.us
 Laurie Wimmer-Whelan
 O.E.A.
 503.495.2173
laurie.wimmerwhelan@oregonedu.org
 Duke Shepard, AFLCIO
 503.222.3114
dukeshepard@unionsamerica.com
 Martha Pellegrino, City of Portland
mpellegrino@ci.portland.or.us
 503.823.3012
 Gina Mattioda, Multnomah County Public Affairs Officer
gina.m.matiioda@co.multnomah.or.us

* Mary Ann Schwab

2003

www.its.timeforadime.org



Did you know?

- Oregon's beer tax has been frozen at less than a penny per drink since 1977.
- A 10-cent-per-drink increase could provide more than \$80 million a year in targeted funds for substance abuse prevention, treatment and recovery, and law enforcement programs.
- \$900 million of your state dollars are paid into human services each year because of alcohol and other drug problems.
- It's time the beer industry pays its fair share of the social and economic cost of its product.

Make your voice heard!
Contact Time for a Dime Committee
503-680-8443
Oregonalcoholtax.org

2005

www.Adimeadrink.org

2007

TBA

Stay Connected to your government...

voter number
12146412

date issued residential address
02-09-06

political party
NA

precinct
106

voting districts

REP	42
SENATE	21
CONGRESS	3RD
CO. COMM.	403
METRO	5

173201 *****AUTO**5-DIGIT 97214

MARYANN SCHWAB
605 SE 38TH AVE
PORTLAND OR 97214-3203

Multnomah County Elections ofc. (503) 988-3720

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-134

Designating Commissioner Lonnie Roberts and Commissioner Lisa Naito to Coordinate the County's Legislative Policy and Communications

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is mandated by State law to perform specific functions with State funds. Because the County relies on the State of Oregon for over 20% of its budget, changes at the State level significantly affect the County.
- b. At the direction of the Board of County Commissioners, the Public Affairs Office (PAO) prepares the County's bi-annual Legislative Agenda, and will do so again in anticipation of the 2007 Oregon Legislative Session. In addition, PAO was directed by the County's Legislative Agenda Budget Note in the Adopted FY2007 Budget to craft a legislative agenda and language for the Board's consideration prior to the upcoming legislative session in Salem on certain items including State funding for seniors, the Oregon Health Plan and mental health services
- c. Multnomah County is fortunate to have on its Board Commissioner Lonnie Roberts, an 18-year veteran of the Oregon Legislature who served with distinction as State Representative for House District 21 from 1981 to 1999; and Commissioner Lisa Naito, also a former State Representative who ably served House District 15 from 1991 to 1996.

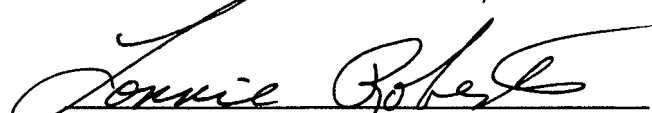
The Multnomah County Board of Commissioners Resolves:

1. The Board designates Commissioner Lonnie Roberts and Commissioner Lisa Naito to coordinate the County's legislative policy and communications, with the assistance of the Public Affairs Office, until the 74th Legislative Assembly is convened in January 2007.

ADOPTED this 27th day of July 2006.

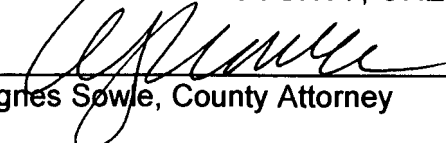


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: E-1
Est. Start Time: 10:05 AM
Date Submitted: 07/17/06

BUDGET MODIFICATION:

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

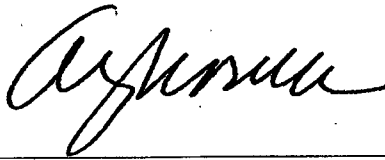
Date Requested:	<u>July 27, 2006</u>	Time Requested:	<u>15 -30 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney's Office</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503 988-3138</u>	Ext.	<u>83138</u>
I/O Address:	<u>503/500</u>		
Presenter(s):	<u>Agnes Sowle and Invited Others</u>		

General Information

1. **What action are you requesting from the Board?**
No Final Decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
Only Representatives of the News Media and Designated Staff are allowed to Attend.
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**
ORS 192.660(2)(h).
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**



Date: 07/17/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 07/27/06
Agenda Item #: B-1
Est. Start Time: 9:55 AM
Date Submitted: 07/14/06

BUDGET MODIFICATION: -

Agenda Title: Briefing on a Proposed Lease of Additional Space at 421 SW Oak Street, Portland Oregon

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	7/27/2006	Time Requested:	10 Minutes
Department:	Non-Departmental	Division:	Chair's Office
Contact(s):	Chair Diane Linn; Doug Butler, Facilities Director		
Phone:	503/988-6294	Ext.	86294
		I/O Address:	503/600
Presenter(s):	Doug Butler		

General Information

1. What action are you requesting from the Board?

No action requested. Informational only.

2. Please provide sufficient background information for the Board and the public to understand this issue.

By Resolution 05-018, dated January 20, 2005, Multnomah County entered into a lease commencing June 30, 2005 ("Lease") with BRCP/Unico Lincoln, LLC for 99,478 square feet of office space in the Lincoln Building ("Property") located at 421 SW Oak Street, Portland, Oregon. Under the terms of the Lease, Multnomah County has certain rights of first refusal on space in the Property. In addition, Multnomah County has rights of expansion on existing terms in the Property which will expire December 30, 2006. Multnomah County owns the McCoy Building, located at 426 SW Stark Street, Portland, Oregon, an approximately 100,000 square foot ten-story building built in 1923 which is currently used by the Health Department ("Health") for a variety of clinic and administrative uses. A retail lease expiring November 30, 2012, occupies approximately 6,700 square feet on the ground floor. The McCoy Building has not been sufficiently updated, with significant deferred maintenance and seismic liabilities. In addition, Multnomah County leases approximately 8,400 square feet in the YWCA Downtown Center, 1111 SW 10th Avenue, Portland, Oregon, for its Aging and Disability Services ("ADS") program, and approximately 3,700 square

feet for a separate Multicultural Center. The lease expires December 31, 2007. The landlord has expressed an interest in an early termination of the lease. The Facilities and Property Management Division ("Facilities") has conducted an intensive and in-depth analysis of ADS and Health program space needs in Downtown Portland. Space planning, financial sensitivity analysis and operational and programmatic development have been studied with Health and ADS in the process.

A Real Property Transaction Summary, included, was developed to meet key goals from the Strategic Facilities Plan adopted by Resolution 05-148, dated August 18, 2005. Through disposing of the McCoy Building and terminating the YWCA lease, significant savings to Multnomah County can be realized over the next ten years by moving Health programs (including the clinics) and the ADS program into the Lincoln Building. The transaction would result in reducing the portfolio by two sites and approximately 34,000 square feet; reducing on-going operating expenses by \$6.1 million over ten years; and, reducing the deferred capital backlog by \$4.4 million. The transaction will be funded by the landlord provided tenant improvement allowance of approximately \$3.3 million dollars; McCoy Building sales proceeds of approximately \$5.6 million; and additional gap funding of approximately \$1 million. The transaction plan is presented in the attached Real Property Transaction Summary dated July 20, 2006.

Facilities has negotiated the attached Letter of Intent, dated March 30, 2006, with BRCP/Unico Lincoln, LLC for an expansion of approximately 72,000 square feet in the Property using the rights of first refusal and rights of expansion contained in the Lease for favorable terms compared to current market. Facilities recommends that it is in the best interests of the County to amend the Lincoln Building lease on the terms and conditions set forth in the Letter of Intent, and to relocate the Health and ADS programs and staff to the Lincoln Building. Facilities will negotiate an early termination of the YWCA lease for Board approval. Facilities will also present to the Board, possibly July 27, 2006, a Resolution declaring the McCoy Building surplus, waiving the public comment process from the Surplus Property Policy, directing a market sale, and committing the proceeds to the capital requirements of the Lincoln Building expansion.

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

The transaction would result in reducing the portfolio by two sites and approximately 34,000 square feet. It will reduce on-going operating expenses by \$6.1 million over ten years. Finally, it will reduce the deferred capital backlog by \$4.4 million. The transaction will be partly funded by the landlord provided tenant improvement allowance of approximately \$3.3 million dollars. County funding will come from the McCoy Building sales proceeds of approximately \$5.6 million and additional gap funding of approximately \$1 million.

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


No legal and/or policy issues involved.

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

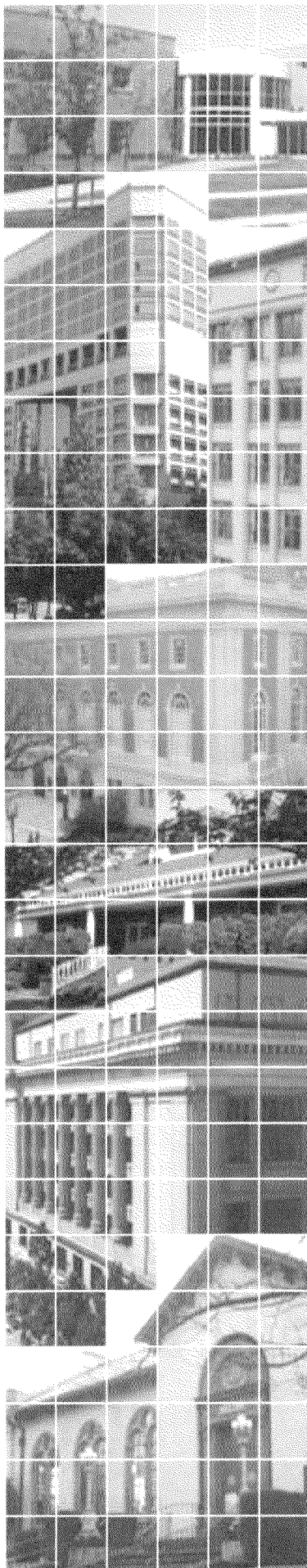
None.

Required Signatures

**Department/
Agency Director:**



Date: 7/13/2006



Real Property Transaction Summary July 27, 2006



MULTNOMAH COUNTY OREGON
Facilities and Property Management Division

TABLE OF CONTENTS

I.	Transaction Overview	3
II.	Planning and Research Team	4
III.	Summary	5
 EXHIBIT 1: General Space Planning Assumptions		 12

I. Transaction Overview

As will be described in detail in this report, Facilities and Property Management (FPM) recommends disposing of the McCoy Building, terminating the lease in the YWCA Building and expanding the lease in the Lincoln Building. This transaction will be a major step in FPM's mission to "migrate the County's real estate portfolio to include only well-sited, high-performance, affordable, and sustainable facilities" as is prescribed in the 2005 *Multnomah County Strategic Facilities Plan*. Not only will this transaction save the County money, it will dramatically improve the environment in which our employees work and our clients receive services.

Concept

1. Dispose of the fiscally and operationally inefficient McCoy Building and relocate most operations to the Lincoln Building.
2. Terminate the Aging and Disability Services (ADS) lease at the YWCA Building and relocate the program to Lincoln Building.
3. Better utilize other County operated facilities.

Transaction Goal

Plan and implement the relocation of the Health Department operations from the McCoy Building, ADS operations from the YWCA and expand the lease at the Lincoln Building resulting in the overall reduction of County operating expense, a drastic reduction in our deferred maintenance and seismic back-log and improve the clinic environment for our clients.

Alignment with County Strategies

This project will realize the goals of the following policy strategies adopted by the Multnomah County Board of Commissioners:

Facilities Consolidation and Disposition Strategy (Adopted November 18, 2004) Goals:

- Reduce portfolio square footage (SF) **33,799 SF**
- Reduce the number of primary sites **2 sites**
- Cut on-going operating expenses **\$6.1m over 10 years**
- Reduce the deferred capital backlog **\$4.4m plus \$5.5m seismic**

Multnomah County Strategic Facilities Plan (Adopted August 18, 2005) Goals:

- Migrate the County's real estate portfolio to include only well-sited, high-performance, affordable, and sustainable facilities.
- Fully fund the operating costs of owned Tier I facilities including compliance and preventive maintenance. In addition, the County will stay completely current on its non-seismic capital maintenance program.

Within these goals, Strategy #1: Dispose of all Tier III facilities by 2010.

At the completion of this transaction:

- The McCoy Building will be sold and will likely be put back on the tax rolls.
- Clinic capacity, patient flow and quality of space will be dramatically improved.
- The YWCA lease will be terminated and ADS operations will relocate to the Lincoln Building.

Costs and Timing:

As will be detailed later in this report, this transaction will save the County **\$6.1m** in operating expense over the next ten years. Implementation of this proposal is projected to take 12 months from Board approval.

II. Planning and Research Team

Facilities and Property Management Division

Doug Butler, Director
Matt Newstrom, Project Manager
Mike Sublett, Senior Property Management Specialist
Stephen Pearson, Budget Analyst

CRESA Partners, LLC
Giffen Bolte Jurgens Architects
GBD Architects

Health Department

Lillian Shirley, Director
Carol Ford, Deputy Director
Wendy Lear, Finance Manager
Vanetta Abdellatif, ICS Director
Dave Houghton, EHS Director
Lincoln Building Clinic Design Team: Kim Tierney, Tim Donohue, Margaret Lentel, Gary Sawyer, Joy Belcourt, Kathy Innes, Deborah Cockrell, Jan Carpenter, Tricia Tillman.

Department of County Management

Dave Boyer, DCM Director
Carol Ford, Interim DCM Director
Mindy Harris, CFO

Department of County Human Services

Rex Surface, Director
Mary Shortall, ADS Director
Cathy Clay-Ekton, ADS Program Manager
Scott Henderson, ADS Program Manager

Department of Schools and Community Partners

Lorenzo Poe, Director
Kathy Tinkle, Sr. Program Manager

Commission on Children and Families

Wendy Lebow, Director
Bonnie Rosatti, Administrative Secretary

III. Summary

The McCoy Building, 426 SW Stark, was built in 1923 for JK Gill as retail and administration space and was not intended for its current use. With the exception of some retail and storage space this 98,000 SF building is used by the Health Department for a variety of clinic and administrative uses. The McCoy Building has been designated as a **Tier III** facility and is in need of a complete renovation or disposition.

According to the 2005 *Multnomah County Strategic Facilities Plan* regarding Tier III facilities "...the County only intends to keep these properties operating safely until they are disposed of or reassigned." Strategy Number 1 in the plan dictates that the County will dispose of all Tier III facilities by 2010. This proposed project is in alignment with the adopted strategy.

The Lincoln Building is a leased facility which houses about 500 County personnel from the Department of County Human Services (DCHS), Department of School and Community Partners (DSCP), Commission on Children and Families (CCFC), Information Technology (IT) and the Health Department (HD) administration. The lease was established in January 2005 with Unico Properties at rates well below current market (estimated at 10% below market). An expansion clause was negotiated that would allow the County to expand at comparable terms within the first eighteen months of the lease term. This provision will expire in **December of 2006**.

There are several motivating factors that initiated the study of disposing of the McCoy and YWCA buildings and expanding our lease within the Lincoln Building:

McCoy Building:

Facilities Infrastructure

The McCoy Building is in poor shape and is a liability to the County and its occupants. The McCoy has the fourth largest seismic requirement of any County owned building. Current estimates for the necessary seismic upgrades are in the range **\$5.5m - \$8.8m**. Current capital funding levels will not sustain the McCoy Building over the next ten years.

- ❑ Capital rates will only recover **\$2.5m** for the McCoy Building over the next 10 years.
- ❑ Our minimum projections for the capital needs in the McCoy are **\$6.2m** in the next 10 years resulting in a shortfall of **\$3.7m**.
 - Note that our capital projections **do not include seismic upgrades, space engineering or interior finish improvements**.
- ❑ Our biggest challenge lies within the next 5 years in which an estimated **\$4.8m** in projects will be required to keep the McCoy Building operational. Due to water intrusion, the immediate projects that need to be started include roof replacement, window replacement and full exterior repair and water-proofing.

To address these issues if this transaction is not approved, FPM will recommend that we obtain interim financing in the minimal amount of \$2.5m to begin necessary repairs immediately.

McCoy Operations

It is important to note that the improvements mentioned above do not improve the layout or efficiency of the space. There is an un-quantified number of lost patient visits and lost revenue due to the cramped conditions within the McCoy Building. Currently the County is spending operating funds on the conversion of offices, conference rooms and closets into new exam rooms.

Window of Opportunity

We have a one time window of opportunity to expand our lease in the Lincoln Building. This window of opportunity is comprised of a number of important factors:

- ❑ In our existing Lincoln lease we can take advantage of a provision to expand our space at below market rates during the first 18 months of our lease. This expansion option expires in December 2006.
- ❑ The Lincoln Building location is ideal for Health and ADS operations and is located only two blocks north of the McCoy Building.
- ❑ Consecutive increases have been seen in rental rates and decreases in available space on the real estate market.
- ❑ It is rare in the downtown area to find 58,000 SF of contiguous space on the ground floor that has a dedicated entrance.

ADS West

The County currently leases approximately 12,000 SF of space from the YWCA. The ADS office portion is 8,394 SF and the Multi-Cultural Center, which includes Loaves and Fishes is 3,738. The YWCA would like to negotiate an early termination of our current lease arrangement. In addition to meeting the program's geographical requirements, the Lincoln Building would be a cost saving move for ADS and will allow better coordination with other ADS programs already located in the building. Loaves and Fishes is searching for a replacement facility elsewhere in the Downtown core.

Resulting Action

The Consolidation and Disposition Strategy adopted in November 2004 included the McCoy Building as a site to study for disposition.

Together, Facilities and Property Management and the affected departments formed a team to determine the costs and consequences of relocating the Health clinics and administration staff at the McCoy Building and YWCA Building into the Lincoln Building and other existing County occupied facilities.

Requirements

The team set the following transaction requirements:

1. Relocate all McCoy **clinic** functions into a single County-occupied site and move functions not critical to clinic operations into existing County sites.
2. Reduce County operating expense.
3. Terminate a costly ADS lease and integrate operations into the Lincoln Building.
4. Develop a project primarily funded from disposition sale proceeds.
5. Increase the quality and condition of patient, client and staff environment.

Scope of Work

The Health Department occupies 82,070 SF in the McCoy Building (out of 97,644 total rentable SF). This is a mix of clinic and administration space and also includes the Health Department's Incident Command Post. ADS occupies about 12,000 SF at the YWCA site.

The total lease amendment in the Lincoln Building is **75,940 SF**. Due to the fact that the existing 2nd floor occupants (DSCP & Health Admin) must be relocated to upper floors the total effective project SF is about 99,900. The project plan will fit all clinical operations on the **1st and 2nd floors** of the Lincoln Building, into about 58,000 square feet. The existing occupants on the 2nd floor and the majority of the McCoy administration staff would move to Lincoln Building floors 7 and 8 into about 41,900 SF.

A total of five programs currently located in the McCoy and Lincoln Building that are not critical to clinical operations will fill vacancies in other County sites. With the exception of some minor shuffling, the Lincoln 5th and 6th floors will remain relatively unchanged (see exhibit one for a complete list of space planning assumptions). The net number affected by this transaction results in the total movement of approximately 325 County staff.

Department	Program	Number of Staff	From	To
Health	Call Center	31	McCoy	Blanchard Bldg.
Health	Dental Admin	10	McCoy	Blanchard Bldg.
Health	School Base Health	8	McCoy	Blanchard Bldg.
	Breast/Cervical			
Health	Cancer	5	McCoy	GCC - Svcs. Bldg.
CCFC	CCFC	8	Lincoln 2nd flr.	Multnomah Bldg.
Health	Staff Training	4	McCoy	Lincoln 5/6

This transaction will reduce the overall square County footage by **33,799 SF**. When we compare the existing space in the McCoy Building and the YWCA Building to the projected space in the Lincoln Building we realize a sizable reduction in administrative space by utilizing County standards. By incorporating ADA standards in our planning, we have been able to right-size the clinic areas and provide the service delivery space necessary to maximize existing resources.

The square footage changes are driven by a number of different reasons.

1. The McCoy Building is out of ADA compliance in many aspects. Implementing this project will bring the County into full ADA compliance. Implementing ADA requirements naturally requires the usage of more space to account for added circulation, larger restrooms, exam rooms and waiting areas.
2. We have cut the administrative space needs by incorporating County space standards, standardizing cubicles and furnishings and by filling vacancies in other County occupied facilities.

Department Square Footage Change			
	No Move	After Move	Change
DCHS Lincoln	65,354	65,720	366
DCHS YWCA	12,095		(12,095)
Subtotal DCHS	77,449	65,720	(11,729)
DSCP Lincoln	11,807	11,210	(597)
HD Blanchard	0	7,800	7,800
HD Lincoln	9,310	30,355	21,045
HD Lincoln Clinic	0	58,653	58,653
HD McCoy	82,070		(82,070)
Subtotal Health	91,380	96,808	5,428
County McCoy-Other	8,266		(8,266)
County Blanchard	7,800		(7,800)
County McCoy-Vacancy	7,308		(7,308)
County Multnomah-underutilized	2,500		(2,500)
Subtotal County Wide Space	25,874	0	(25,874)
IT Lincoln	9,763	9,480	(283)
ND Lincoln/Multnomah	3,245	2,500	(745)
Total	219,517	185,718	(33,799)

Costs and Schedule

County Cost Savings

Based on the above general description and on preliminary design and engineering work carried out during the study, an analysis was developed to detail the costs and potential savings of both the prospective Project, and for comparison, a scenario of retaining the McCoy Building.

Key features of this comparison include:

- Total 10-year projected facilities occupancy and operations savings of about **\$6.1m** by moving to the Lincoln Building.
- The cost decrease is associated with avoiding imminent capital expenditures, terminating a lease and filling vacancies.
- If we choose to retain the McCoy Building we will need to provide \$2.5m capital funds immediately for exterior repairs.

Operating Costs

Operating Costs for McCoy, YWCA and the existing Lincoln occupants will be essentially unaffected through FY07.

Starting in FY08, it will be necessary to create a "blended" rate for all Lincoln administration space and establish a new clinic rate. This blended rate is the average between the existing rate established in the original Lincoln lease and the slightly higher rate negotiated with the proposed expansion amendment. The net affect of this blended rate on the existing Lincoln Building occupants is approximately \$.67 per SF or \$67,000 aggregate increase on the existing lease.

FY08 Department Operating Projections				
	FY07 Baseline	No Move	After Move	Change
DCHS Total	\$1,374,284	\$1,374,163	\$1,185,693	(\$188,470)
DSCP Total	\$206,351	\$205,085	\$202,246	(\$2,839)
HD Total	\$1,478,191	\$2,200,554	\$2,007,213	(\$193,341)
IT Total	\$170,622	\$169,575	\$171,034	\$1,459
ND Total	\$56,720	\$56,372	\$58,150	\$1,778
External Leases	\$87,075	\$89,687		(\$89,687)
Total Charges	\$3,373,243	\$4,095,436	\$3,624,337	(\$471,099)

Tenant Improvement Costs

Inserted below is a detailed outline of all cost elements.

Tenant Improvements	
Landlord General Contractor + Contingency	\$7,075,899
Architecture & Consultants	\$751,764
Permits	\$125,102
Blue Prints	\$5,000
UNICO 3% Fee on T.I. Allowance	\$89,301
TOTAL	\$8,047,066
Multnomah County Furniture/Fixtures/Equip.	
Multnomah County Tele-Data Wiring	\$520,000
Multnomah County Card Access	\$40,000
Multnomah County Desktop Overtime	\$4,000
Moving	\$100,000
System Furniture	\$930,800
Furniture Disposition	\$60,000
Chart Room Shelving	\$20,000
Signage - interior way finding & outside awning	\$30,000
Electrostatic Refinishing	\$15,000
Security Guard	\$10,000
5% Project Contingency on FFE	\$131,633
TOTAL	\$1,861,433
Sub-Total	\$9,908,499
Unico Tenant Improvement Allowance	(\$3,277,152)
Total Cost Less	\$6,631,347

Funding Plan

Our recommendation assumes that McCoy debt will be reinvested into the Lincoln Health clinic and will be recovered through future Disposition proceeds.

As outlined in the strategic plan, FPM will pledge future proceeds (from unrelated transactions) to pay off Debt. Interim payments could also be covered by proceeds if the full Debt cannot be retired within one year.

If approved by the Board of County Commissioners, FM will fund the project from Disposition proceeds as follows:

FY07 Tenant improvement allowance from Unico Properties	\$3,277,152
FY08 Capital out of McCoy sales proceeds	\$5,600,000
<u>FY08 Capital Short Term Borrowing</u>	<u>\$1,031,347</u>
Total	\$9,908,499

Schedule

The prospective tenant improvement is expected to take about **12 months to implement** following an authorization by the Board of County Commissioners. Disposition of the McCoy Building is not included in that timeline. FPM is separately recommending that we proceed with the declaration of surplus process and pursue a market sale of the McCoy Building simultaneously with planning and construction and tenant improvements.

The preliminary schedule attached illustrates the major steps and milestones.

Task	Month Complete	Year
Design and Construction		
Phase 1: D. D. & Construction Documents 7th & 8th floors	July	2006
Phase 1: Construction Documents 7th & 8th floors	August	2006
Phase 1: Bid Drawings & Submit for Permits	September	2006
Unico review GMP Contracts w/client	September	2006
Unico Permit / Award Contracts & Mobilize	September	2006
Phase 1: Construction 7th & 8th floors	December	2006
Move occupants from 2nd floor to 7 & 8th floor	December	2006
Phase 2: D. D. & Construction Documents 1st & 2nd floors	October	2006
Phase 2: Bid Drawings & Submit for Permits	November	2006
Unico review GMP Contracts w/client	November	2006
Unico Permit / Award Contracts & Mobilize 1 st & 2 nd construction	November	2006
Move ADS West office to Lincoln 1 st Floor	February	2007
Phase 2: Construction 1st & 2nd floors complete	May	2007
Furniture/Fixtures/Equipment		
New Furniture layout and inventory existing furniture	July	2006
Locate Existing furniture on plans & Specifications for new furniture	August	2006
Phase 1 Office: Finalize Furniture Order & Specifications	September	2006
I.T. Phone & Cabling Bidding & Selection	September	2006
Phase 1 Office: Furniture Manufacturing	October	2006
Phase 1 Office: Furniture Shipping	November	2006
Phase 1 Office: Furniture Installation & Cabling Cubicles	November	2006
Phase 2 Medical: Finalize Furniture Order & Specifications	February	2007
Phase 2 Medical: Furniture Manufacturing	April	2007
Phase 2 Medical: Furniture Shipping	May	2007
Phase 2 Medical: Furniture Installation & Cabling	May	2007
Move		
Phase 1 staff pack boxes	October	2006
Phase 1 move from McCoy to Blanchard, GCC, and TMB	October	2006
Phase 2 staff pack boxes	November	2006
Phase 2 move occupants from 2nd floor to 7 & 8th floor	December	2006
Phase 3 staff pack boxes	November	2006
Phase 3 McCoy admin. and ADS West	December	2006
Phase 4 Medical - People pack boxes and contents	June	2007
Phase 4 Medical "The Move" - July 6, 7, 8	July	2007
Phase 5 Medical - People pack boxes and contents	June	2007

Phase 5 Medical "The Move" - July 13, 14, 15	July	2007
Clean & Vacate McCoy Building July 31st	July	2007

Exhibit -1
General Space Planning Assumptions

Lincoln Building General

- The central vending room will be reduced significantly. The new vending area will be for food prep and vending only, break areas will still be available on individual floors as well as in the atrium.
- Bike parking will be relocated to the basement parking area.
- Atrium access will be confined to the South side only.
- Health will use the 4th Ave entrance for all public clinic access.
- The IT training room will move to the 7th floor.
- In the case of an emergency, Health Emergency Preparedness would have priority over scheduling the 7th floor large conference room.

Health Department

- Call center, Dental Admin, School Based Health Admin will move to the Blanchard Building L1.
- HD Staff training and development will move to space in Lincoln on the 5th or 6th floor. Next phase space planning will attempt to swap spaces with HD space on the 7th floor and move ADS from 7 to the 5th or 6th floors.
- The health clinics will be on floors 1&2 and will use the 4th Avenue entrance.
- Administration will be on floors 7&8. 8th Floor tenants will need to enter from the 5th Avenue entrance.
- The Breast & Cervical Cancer Program will move to CRC.
- Health will use the 4th Ave entrance for all public clinic access.

DSCP

- DSCP will move to the East side of the 7th floor.
- Will gain one additional private office.

CCFC

- Will move to either the Blanchard Building or Multnomah Building location TBD.

DCHS

- ADS West will move into space within the Lincoln Building
- Clients will be seen on the 1st floor.
- Six caseworkers will be on the first floor plus two support positions at the reception desk.
- The balance of the ADS West staff will be located on upper floors.
 - HD Staff training and development will move to space in Lincoln on the 5th or 6th floor. Next phase space planning will attempt to swap spaces with HD space on the 7th floor and move ADS from 7 to the 5th or 6th floors.
- Some meeting rooms on the 1st floor will need to be converted to office space for ADS. We will need to remove the secondary storage room on the 1st floor.

McCoy & YWCA Building Disposition



Facilities & Property
Management

Lincoln Building Lease Amendment

July 27, 2006

We are at a crossroad and need to make a decision...

- The McCoy Building is a Tier III Facility and in need of complete renovation or replacement
- We can no longer reliably sustain the clinic operations in the McCoy Bldg
- Any further financial investment in the McCoy Building will not increase the asset's value
- The YWCA wishes to terminate our ADS-West lease early
- We have a one time window of opportunity at the Lincoln Building

Background

- Facilities Consolidation and Disposition Strategy (Adopted Nov. 18, 2004)
directs FPM to study the McCoy Building further and develop a disposition strategy
- Multnomah County Strategic Facilities Plan (Adopted August 18, 2005)
 - *dispose of Tier III facilities by 2010*
 - *“...portfolio to include only well sited, high-performance, affordable and sustainable facilities”*
 - *Tier III Buildings – dispose or renovate*
- CIP rates will not sustain McCoy capital needs over next 10 years
 - ☐ Needs at least \$6.2m in next 10 yrs, CIP provides only \$2.5m
= \$3.7m deficit
 - ☐ Need approx. \$4.8m in the next five years
 - ☐ Does not include seismic - \$5.5m
 - ☐ Money spent above will NOT improve layout or efficiency of space

Background Cont...

- It is not realistic to assume that we can continue to operate out of the McCoy building for more than another year without a major reinvestment
- If we stay in the building, the McCoy rates will go up in FY08 ...
 - ❑ Basic operating costs up \$150k
 - In FY06, Facilities under-recovered McCoy costs by over \$200k, or \$2.00+ per sq ft because of unplanned repairs.
 - ❑ Borrow \$2.5m for immediate improvements to eliminate risk of closure*
Payments would be recovered through the McCoy rates (\$570k yr/5yr).
 - The roof, windows and exterior need immediate repair/replacement due to water intrusion. Major HVAC upgrades are needed in FY09 -10

Limited Window of Opportunity

1. County has an option to expand the Lincoln Building lease at existing rates
 - Expires in December '06
 - Rate is more than 10% below market
 - The rental market is changing rapidly, vacancies are dropping/rates rising
2. Rare to find 55,000 SF of contiguous space located in the downtown core with a dedicated 1st floor entrance.
3. Easy transition for clients - two blocks North of McCoy.

FPM disposition study for the McCoy Building and presents three options:

Option #1 – Retain the McCoy Building and YWCA lease

- Operating expense will go up about **\$720k** (\$150 op+\$570 cap)
- CIP rates will not cover the minimum requirements
- \$2.5m will need to be borrowed for the next five years, \$1.2m years 6-10
- Does not improve layout or efficiency of space

Option #2 – Move to Lincoln/Dispose of the McCoy/YWCA

- Will save the County \$6.1m over the next ten years
- Eliminates deferred maintenance (\$4.4m) and seismic (\$5.5m)
- Dramatically improves building and clinical environment
- Opportunity to provide more access to patients
- Will avoid catastrophic building failure
- Presumes that the County will maintain a downtown clinic

Option #3 – McCoy Sale/2 year lease-back

- Presumes that the County will phase out the downtown clinics in the next two years
- Moves Health Admin and ADS-West to Lincoln Building immediately

Recommendation: Option #2

Dispose of McCoy & YWCA

Effect on Strategic Goals

Facilities Consolidation and Disposition Strategy Goals:

(Adopted November 18, 2004)

- ☐ Reduce portfolio square footage - **33,799 SF**
- ☐ Reduce the number of primary sites - **2 sites**
- ☐ Cut on-going operating expenses - **\$6.1m** over 10 years
- ☐ Reduce the deferred capital backlog - **\$4.4m** plus **\$5.5m** seismic

Project Scope

- ☐ Net Reduction of almost **34,000 SF**
 - ☐ Eliminate McCoy/YWCA
 - ☐ Add Lincoln
- ☐ Better utilization of County occupied spaces. Close to 10ksf (Blanchard/GCC)
- ☐ Cutting administration space by using standards – 11,000 SF in McCoy alone
- ☐ Will bring our space into ADA and HIPAA compliance

Capital Funding

Funding by McCoy and other Disposition sales proceeds

✓ T.I. allowance from UNICO properties	\$3,277,000
✓ FY08 capital from McCoy Sales Proceeds	\$5,600,000
✓ <u>FY08 Short Term Borrowing</u>	<u>\$1,100,000</u>
Total for T.I.'s and move costs	\$9,977,000

Proceeds from other disposition sales will defease McCoy debt.

Debt as of 7/1/07	\$3,000,000
-------------------	-------------

Option # 2 Budget Impacts

Over 10 yrs, this strategy will save \$6.1m in County **operating** expense.

Majority of changes occur within Health and Human Services:

(Changes from *FY08 "No Move" scenario)

- DCHS annual **operating** decrease approximately *\$188k
- Health annual **operating** decrease approximately *\$193k
 *FY08 Baseline = 6% escalation, 570k COP payment, and increased clinic rate
 Note: this is an increase of \$529k over FY07 baseline
- Vacancy cost decrease annual average \$270k
 Reduction of vacancy at McCoy \$1.4m and Blanchard \$1.3m over 10 yrs.
- County saves external lease costs and fills vacancies which reduces the pressure on facilities rates

* These are estimates with 5% tolerance. Final allocation and billing figures will be established once design is complete and approved by tenants.

Funding Strategy

Our recommendation assumes that McCoy debt will be reinvested into the Lincoln Health clinic and will be recovered through future Disposition proceeds.

As outlined in the strategic plan, FPM will pledge future proceeds (from unrelated transactions) to pay off Debt. Interim payments could also be covered by proceeds if the full Debt cannot be retired within one year.

Next Steps:

AUGUST 10th BOARD MEETING

- ☐ Approve the Letter Of Intent (LOI)
- ☐ Declare the McCoy Building Surplus

NEXT 90 DAYS:

Capital Budget Action