

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 992

Amending MCC Chapter 35, Land Use Code East of Sandy River Rural Plan Area, to Make Technical Corrections

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

Multnomah County Ordains as follows:

Section 1. § 35.0005 is amended to read as follows:

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.

(B)(7) **Building Permit** – A permit required pursuant to ~~Multnomah County Code 35.0705~~, MCC Chapter 29, certifying compliance with all applicable building regulations.

Section 2. § 35.2025 is amended to read as follows:

35.2025 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 35.2020 (D) or (E), 35.2025 (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 MCC 35.2045.

Section 3. § 35.2045 is amended to read as follows:

35.2045 Use Compatibility Standards

Specified uses of MCC 35.2025 (C), (D) and (E) and MCC 35.2030 (A), (B) and (C) may be allowed upon a finding that:

Section 4. § 35.2060 is amended to read as follows:

35.2060 Dimensional Requirements

(A) Except as provided in ~~MCC 35.2065~~, 35.2070, 35.2075, and 35.2080, the minimum lot size shall be 80 acres.

Section 5. § 35.2225 is amended to read as follows:

35.2225 Review Uses

(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 (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 MCC 35.2245.

Section 6. § 35.2235 is amended to read as follows:

35.2235 Large Acreage Dwelling

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

(A) The lot or lots in the tract meet(s) the lot of record standards of MCC 35.2275 ~~(A) and (B)~~;

Section 7. § 35.2240 is amended to read as follows:

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 ~~(A) or (B)~~ and ~~(E)~~ and have been lawfully created prior to January 25, 1990;

Section 8. § 35.2245 is amended to read as follows:

35.2245 Use Compatibility Standards

(A) Specified uses of MCC 35.2225 (C), (D), and (E) and MCC 35.2230 (D), (E), and (F) may be allowed upon a finding that the use will:

Section 9. § 35.4335 is amended to read as follows:

35.4335 Minimum Site Size

A Planned Development District shall be established only on a parcel of land found by the Planning Commission to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 35.4300.

Section 10. § 35.4510 is amended to read as follows:

35.4510 Uses - SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 35.4320, 35.4515, shall be subject to an SEC permit.

Section 11. § 35.4525 is amended to read as follows:

35.4525 Applicable Approval Criteria

(A) The approval criteria in MCC 35.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.

(B) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	33.4575

The zoning maps used to designate the SEC-s zoning subdistrict were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.~~

Section 12. § 35.5725 is amended to read as follows:

35.5725 Procedure For Applying The PAM Subdistrict

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; ~~MCC 35.0315 (A) (1) and (2); and the applicable provisions of MCC Chapter 37, 35.0700 through 35.0790. The factors in MCC 35.0725(D) and (E) shall not apply.~~

Section 13. § 35.6305 is amended to read as follows:

35.6305 General Provisions

(A) Application for approval of a Conditional Use shall be ~~made in the manner provided in MCC 35.0700 through 35.0775~~ subject to the provisions for Type III decisions in MCC Chapter 37.

Section 14. § 35.6615 is amended to read as follows:

35.6615 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC ~~35.6310, 37.0660~~, the approval authority:

Section 15. § 35.6715 is amended to read as follows:

35.6715 Criteria for Approval

The approval authority shall find that:

(10) Timeline.

Timelines for Large fill Conditional Use Permits shall ~~conform with the 2-year period pursuant to MCC 35.6305 (C)~~ be for a two-year period unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to ~~MCC 35.0735 (E)~~ the procedures for a Type III permit as described in MCC Chapter 37.

If completion of a large fill project extends beyond ~~2 years pursuant to MCC 35.6305 (C)~~ two years, the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

Section 16. § 35.7020 is amended to read as follows:

35.7020 Application of Regulations

Except those exempted by MCC 35.7015, the provisions of MCC 35.7000 through ~~35.7065~~ 35.7060 shall apply to all conditional and community service uses in any district.

Section 17. § 35.7040 is amended to read as follows:

35.7040 Final Design Review Plan

Following receipt by the applicant of the summary findings and conclusions under MCC 35.7035, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 35.7030 (D) and (E), as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and
- (C) Proposed minor exceptions from yard, parking, and sign requirements; and
- (D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 35.7010 through 35.7025, 35.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Section 18. § 35.7060 is amended to read as follows:

35.7060 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

- (1) Dimensional standards for yards as required in the primary district;
- (2) Dimensional standards for off-street parking as required under MCC 35.4100 to 35.4125; 35.4170 to 35.4175;

Section 19. § 35.7205 is amended to read as follows:

35.7205 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

(B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

- (1) ~~Provide notice as required by MCC 35.0715,~~
- (2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 35.0720 files a Notice of Appeal with the Planning Director pursuant to MCC 35.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 20. § 35.7210 is amended to read as follows:

35.7210 Alteration, Expansion or Replacement of Nonconforming Uses

(D) Any decision on alteration, expansion or replacement of a nonconforming use ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

(1) ~~Provide notice as required by MCC 35.0715,~~

(2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 35.0720 files a Notice of Appeal with the Planning Director, pursuant to MCC 35.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 21. § 35.7215 is amended to read as follows:

35.7215 Verification of Nonconforming Use Status

(E) Any decision on verification of nonconforming use status ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

(1) ~~Provide notice as required by MCC 35.0715,~~

(2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 35.0720 files a Notice of Appeal with the Department, pursuant to MCC 35.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 22. § 35.7410 is amended to read as follows:

35.7410 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, ~~as required by MCC 35.0500,~~ must be approved prior to erection of the sign.

Section 23. § 35.7705 is amended to read as follows:

35.7705 Definitions

As used in this Chapter, unless the context requires otherwise:

(J) *Partition land* means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by MCC Chapter 35; the base zone; or

Section 24. § 35.7865 is amended to read as follows:

35.7865 Tentative Plan Approval Time Limits; Staged Development

The time limits for approval of tentative plans and staged development proposals Tentative plan approval expiration and extension shall be in accordance with MCC ~~35.7870 through 35.7880~~ 37.0690 through 37.0700.

Section 25. § 35.7870 is repealed in its entirety:

35.7870 Time Limit

~~The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.~~

Section 26. § 35.7875 is repealed in its entirety:

35.7875 Staged Development for Subdivision

~~When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.~~

Section 27. § 35.7880 is repealed in its entirety:

35.7880 Re-Approval After Expiration

~~After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.~~

Section 28. § 35.7900 is amended to read as follows:

35.7900 Acreage Tracts

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

Section 29. § 35.7920 is amended to read as follows:

35.7920 Temporary Turnarounds

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. ~~However, in the case of a subdivision to be recorded and developed in stages under MCC 35.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 35.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.~~

FIRST READING:

September 19, 2002

SECOND READING AND ADOPTION:

September 26, 2002



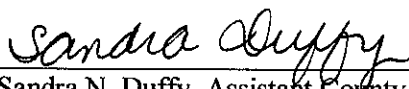
BOARD OF COUNTY COMMISSIONERS
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Lonnie Roberts, Vice-Chair

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