

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2018-10625

Recommend to the Board of Commissioners the adoption of one or more ordinances amending the provisions for MCC Chapters 33, 35 and 36 related to Forest Practices Setbacks, Fire Safety Zones, and clustering requirements in the Commercial Forest Use Zones.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapters 33.0140, 35.0140, 36.0140, 37.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to amend the County Comprehensive Plan and land use regulations.
- b. Land use provisions in the Commercial Forest Use (CFU) zones require development to meet Forest Practices Setback and Fire Safety Zone standards to help conserve and protect designated lands for the continued commercial growing and harvesting of timber, as well as reduce the risk, and minimize the impacts, of wildfires.
- c. Generally, the ordinance will: (1) amend the standards for Forest Practices Setbacks and Fire Safety Zones in the CFU zones to clarify how replacement, restoration, alteration, and maintenance of, and addition to, certain existing development is regulated; and, (2) readopt accessory structure clustering provisions that were inadvertently deleted in 2017 through adoption of Ordinance 1242.
- d. More specifically, the proposed ordinance clarifies that: for certain types of replacement, restoration, alteration, and maintenance of, or the addition to, certain existing structures, where a nonconforming setback of less than 30 feet existed on the date that the relevant code was last amended, that setback may be maintained. Where there is such a nonconforming setback, the Primary Fire Safety Zone, which is normally required to be 30 feet, is required only to the full extent of that nonconforming setback as it existed on the date that the relevant code was last amended. In addition, the amendments clarify the intent of the current code by making clear that, where at least a portion of a replaced or restored dwelling will be within 100 feet of the existing dwelling rather than in the same location, current setback standards must be met.
- e. Ordinance 1242, adopted February 23, 2017, more clearly delineated the features and facilitates that may be approved for accessory structures and provided additional opportunities for the siting of small accessory structures, fences, and retaining walls. Prior to enactment of Ordinance 1242, accessory structures permitted under the Allowed Use provisions in the CFU zones were required to be located within 100 feet of the dwelling. The phrase "located within 100 feet of the dwelling" previously located in the CFU zones was deleted from the code when that language was inadvertently removed within Ordinance 1242. The proposed Ordinance corrects that inadvertent removal by inserting the same phrase back into Accessory Structure provisions applicable to Allowed Uses within the CFU Zones. These amendments are consistent with the County's intent to offer a simpler (Allowed Use) authorization process for accessory structures clustered within 100-feet of a dwelling.

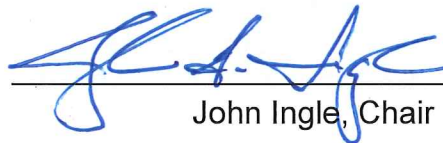
- f. Regulations are being proposed that affect the permissible uses of property. Multnomah County mailed notices of the Planning Commission hearing to individual property owners as required by state law ("Ballot Measure 56 notice"). Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the Land Use Planning Program internet pages. The Planning Commission held a hearing on September 10, 2018 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission resolves:

The proposed Ordinance(s) amending MCC Chapters 33, 35 and 36 is hereby recommended for adoption by the Board of County Commissioners in a form substantially similar to that approved by the Planning Commission.

ADOPTED this 10th day of September, 2018

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair