

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1128

Amending the Multnomah County Code Chapters 33-36, 38, 11.15 and 11.45 Relating to Nonconforming Uses, Transportation and Signs

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically there is a need to review and update the County Land Use Planning Code (Zoning Code) provisions due to changing circumstances and for general housekeeping. Such an update of the Zoning Code has become necessary for some selected technical corrections, clarifications, consistency and additional uses. This agenda item includes three Planning Commission housekeeping amendments, PC-08-002: *Reorganize and Update the Non-Conforming Use Sections*; PC-08-004: *Amend Zoning Codes Transportation Facilities Definitions, Adding Transportation Facilities as a Use and Adding Certain Transportation Facilities as Conditional Uses*; and PC-08-011: *Amendments to Zoning Codes Sections Related to Signs*.
- b. The Planning Commission is authorized by Multnomah County Code Chapter subsections 33.0140, 34.0140, 35.0140, 36.0140, 38.0530(D) 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.
- c. A public hearing was held for PC-08-002 on October 6, 2008 and for PC-08-004 and PC-08-011 on November 3, 2008 before the Planning Commission for the proposed amendments where all interested persons were given an opportunity to appear and be heard. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the County Land Use Planning Program website.
- d. As stated in Planning Commission Resolutions for each of these cases the Planning Commission has found that the proposed amendments and additions to Multnomah County Code Chapters 33, 34, 35, 36, 11.15 and 11.45 in this Ordinance are needed and recommends approval.
- e. No regulations are being proposed that further restrict the use of property thus no mailed notice to individual property owners is required ("Ballot Measure 56" notice). Notice of the Planning Commission hearing and the Board of County Commissioners were published in the "Oregonian" newspaper and on the County Land Use Planning Program's web site.
- f. The proposed amendments will ensure the provisions of the non-conforming use section will flow logically by placing the verification section before the alteration, modification, and

expansion section, modify the definition of non-conforming use, and clarify the applicability of off-street parking codes to alterations of non-conforming uses in each chapter.

- g. Under the State of Oregon land use planning program, land uses listed in County Zoning Codes, including transportation projects, are subject to the restrictions and standards of Statutes, Farm and Forest Administrative Rules, "Exception Lands" Rules, and Transportation Planning Rules. The changes to the Multnomah County Code that are in this Ordinance adhere to those State requirements.
- h. The amendments to the code chapters add certain transportation facilities as allowed uses in exception zone districts, as uses allowed conditionally in Exclusive Farm Use districts, and amend definitions of transportation facilities for consistency. The proposed amendments would add transportation facilities and improvements that serve local needs or are part of the Multnomah County Functional Classification of Trafficways Plan as allowed uses in exception zone districts. Adding these transportation facilities to the list of allowed uses in exception zones recognizes that transportation facilities have been adopted as part of the County Trafficways Plan and thus have already gone through the Comprehensive Plan amendment public hearings. Additionally, the amendments include local access roads that provide for local travel needs, emergency access and support the rural land uses identified in the Comprehensive Plan. These roads by their very limited nature, as access to one or a few properties, serve local travel needs and provide properties with emergency access. Thus these transportation uses can be allowed outright without further review on a case by case basis.
- i. The amendments include changing signs from a review use to an allowed use, addition of signs as an allowed use in the Orient Commercial Industrial Zone District, and update of zoning districts to the sign code list of zones where signs are allowed.

Multnomah County Ordains as follows:

PART I – NONCONFORMING USES AND TRANSPORTATION

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

* * *

Accessway – A private ~~street road~~ which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

* * *

Driveway – See private driveway.

* * *

Non-Conforming Use – A legally established use, structure or physical improvement in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the use regulations of the zoning district in which it is located. A use approved under criteria that have been modified or are no longer in effect is considered nonconforming.

* * *

Private Driveway – A private ~~street means of access to a public road or private road~~ which is part of and provides access only to one lot or parcel (~~See Flag Lot~~).

Private Road – A private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private Street – A ~~street which is either a private driveway or an accessway, which is under private ownership, and which passes through or alongside the full length or width of a separate lot or parcel, either existing or proposed~~ See private road.

* * *

Public Road – A road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

* * *

Road (County Road) – 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. A public road that is maintained by the County and has been designated as a county road under ORS 368.016.

Road - The entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

Street – A public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms Street, Road, Avenue, Boulevard, Lane, Place, and other such terms See road.

* * *

Section 2. §§ 33.7705, 34.7705, 35.7705, 36.7705, 38.0015, 38.7705, 11.15.0010 and 11.45.010 are amended as follows:

33.7705 Definitions

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

* * *

Private driveway means a private ~~street means of access to a public road or private road~~ which is a part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed. — See private road.

* * *

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Public street means a street dedicated for public use or proposed to be dedicated for public use in a land division. — See public road.

* * *

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

Street, as used in this land division section, means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. See road.

* * *

34.7705 Definitions

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

* * *

Private driveway means a private street means of access to a public road or private road which is a part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed. — See private road.

* * *

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Public street means a street dedicated for public use or proposed to be dedicated for public use in a land division—See public road.

* * *

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

~~**Street**, as used in this land division section, means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes~~See road.

* * *

35.7705 Definitions

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

* * *

Private driveway means a private ~~street~~ means of access to a public road or private road which is a part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

~~**Private street** means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed—See private road.~~

* * *

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

~~**Public street** means a street dedicated for public use or proposed to be dedicated for public use in a land division—See public road.~~

* * *

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

~~*Street*, as used in this land division section, means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes~~See road.

* * *

36.7705 Definitions.

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

* * *

Private driveway means a private ~~street~~means of access to a public road or private road which is a part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed — See private road.

* * *

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Public street means a street dedicated for public use or proposed to be dedicated for public use in a land division — See public road.

* * *

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys;

(b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and

(c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

~~Street, as used in this land division section, means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. See road.~~

* * *

38.0015 Definitions

As used in MCC Chapter 38, unless the context requires otherwise noted, the following words and their derivations shall have the following meanings provided below.

* * *

County Road: A public road that is maintained by the County and has been designated as a county road under ORS 368.016.

* * *

Driveway: See private driveway.

* * *

Private driveway: a private street which is a part of and provides access only to one lot or parcel.

* * *

Highway: Any road or highway designated as such by law or by the Oregon Transportation Commission; includes both primary and secondary state highways.

* * *

38.7705 Definitions

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

Accessway means a private ~~street road~~ which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

* * *

Private driveway means a private ~~street means of access to a public road or private road~~ which is a part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street means a ~~street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed. See private road.~~

* * *

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

~~Public street means a street dedicated for public use or proposed to be dedicated for public use in a land division— See public road.~~

* * *

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways, or alleys;
- (b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and
- (c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

~~Street means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes— See road.~~

* * *

11.15.0010 Definitions

* * *

Accessway

A private ~~street~~ road which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

* * *

Driveway

See private driveway

* * *

Private Driveway

A private ~~street~~ means of access to a public road or private road which is part of and provides access only to one lot or parcel (~~See Flag Lot~~).

Private Road

A private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private Street

~~A street which is either a private driveway or an accessway, which is under private ownership, and which passes through or alongside the full length or width of a separate lot or parcel, either existing or proposed. See private road.~~

* * *

Public Road

A road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

* * *

Road (County Road)

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. A public road that is maintained by the County and has been designated as a county road under ORS 368.016.

Road

The entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways, or alleys;
- (b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and
- (c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

Street

A public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms Street, Road, Avenue, Boulevard, Lane, Place, and other such terms. See road.

* * *

11.45.010 Definitions

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

A. *Accessway* means a private street road which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

* * *

Y. *Private driveway* means a private street means of access to a public road or private road which is a part of and provides access only to one lot or parcel. [Renumbered 1994, Ord. 781 § II]

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Z. *Private street* means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of a separate lot or parcel, either existing or proposed — See private road. [Renumbered 1994, Ord. 781 § II]

* * *

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

CC *Public street* means a street dedicated for public use or proposed to be dedicated for public use in a land division. See public road. [Renumbered 1994, Ord. 781 § II]

* * *

Road means the entire right-of-way of any public or private way that provides ingress to, or

egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways, or alleys;
- (b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and
- (c) Structures such as bridges that provide for continuity of the right-of-way.

* * *

~~HH Street means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes—See road.~~
[Renumbered 1994, Ord. 781 § II]

* * *

Section 3. §§ 33.7200, 34.7200, 35.7200 and 36.7200 are amended as follows:

33.7200- NONCONFORMING USES

(A) The purpose of this section is to establish standards and procedures regulating the continuation, alteration, expansion, and replacement of nonconforming uses. The intent is to allow procedures for considering changes to nonconforming uses that do not increase the level of adverse impacts on the neighborhood, or changes required for the use to comply with State or County health or safety requirements.

(B) The Planning Director must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of the nonconforming use will have a greater adverse impact on the neighborhood under MCC 33.7214(C).

(C) Nonconforming uses shall be allowed to continue without additional permission, except that such uses may be replaced, altered or expanded only as provided in MCC 33.7205-7209 or and 33.7210-7214 after verification under MCC 33.7204.

(D) If a nonconforming use is abandoned or discontinued for any reason for more than two years, it shall not be re-established unless the resumed use conforms with the requirements of this Zoning Code at the time of the proposed resumption.

(E) Notwithstanding any other provisions of this Code, a surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

- (1) The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a State of Oregon exemption from surface mining regulation; and
- (2) The surface mining use was not inactive for a period of 12 consecutive years or more.
- (3) For purposes of this subsection, *inactive* means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

(~~EF~~) A nonconforming use may be maintained with ordinary care.

(~~FG~~) A change in ownership or occupancy of a nonconforming use is permitted.

(H) No application under this section is required for the alteration, expansion, or replacement of a lawfully established habitable dwelling when a governing zoning district regulates such alteration, expansion, or replacement and the proposed alteration, expansion, or replacement satisfies the dimensional requirements of the district.

34.7200- NONCONFORMING USES

(A) The purpose of this section is to establish standards and procedures regulating the continuation, alteration, expansion, and replacement of nonconforming uses. The intent is to allow procedures for considering changes to nonconforming uses that do not increase the level of adverse impacts on the neighborhood, or changes required for the use to comply with State or County health or safety requirements.

(B) The Planning Director must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of the nonconforming use will have a greater adverse impact on the neighborhood under MCC 34.7214(C).

(C) Nonconforming uses shall be allowed to continue without additional permission, except that such uses may be replaced, altered or expanded only as provided in MCC 34.7205-7209 or and 34.7210-7214 after verification under MCC 34.7204.

(~~CD~~) If a nonconforming use is abandoned or discontinued for any reason for more than two years, it shall not be re-established unless the resumed use conforms with the requirements of this Zoning Code at the time of the proposed resumption.

(~~DE~~) Notwithstanding any other provisions of this Code, a surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

(1) The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a State of Oregon exemption from surface mining regulation; and

(2) The surface mining use was not inactive for a period of 12 consecutive years or more.

(3) For purposes of this subsection, *inactive* means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

(~~EF~~) A nonconforming use may be maintained with ordinary care.

(~~FG~~) A change in ownership or occupancy of a nonconforming use is permitted.

(H) No application under this section is required for the alteration, expansion, or replacement of a lawfully established habitable dwelling when a governing zoning district regulates such alteration,

expansion, or replacement and the proposed alteration, expansion, or replacement satisfies the dimensional requirements of the district.

35.7200- NONCONFORMING USES

(A) The purpose of this section is to establish standards and procedures regulating the continuation, alteration, expansion, and replacement of nonconforming uses. The intent is to allow procedures for considering changes to nonconforming uses that do not increase the level of adverse impacts on the neighborhood, or changes required for the use to comply with State or County health or safety requirements.

(B) The Planning Director must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of the nonconforming use will have a greater adverse impact on the neighborhood under MCC 35.7214(C).

(C) Nonconforming uses shall be allowed to continue without additional permission, except that such uses may be replaced, altered or expanded only as provided in MCC 35.7205-7209 ~~or~~ and 35.7210-7214 after verification under MCC 35.7204.

(D) If a nonconforming use is abandoned or discontinued for any reason for more than two years, it shall not be re-established unless the resumed use conforms with the requirements of this Zoning Code at the time of the proposed resumption.

(E) Notwithstanding any other provisions of this Code, a surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

(1) The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a State of Oregon exemption from surface mining regulation; and

(2) The surface mining use was not inactive for a period of 12 consecutive years or more.

(3) For purposes of this subsection, *inactive* means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

(F) A nonconforming use may be maintained with ordinary care.

(G) A change in ownership or occupancy of a nonconforming use is permitted.

(H) No application under this section is required for the alteration, expansion, or replacement of a lawfully established habitable dwelling when a governing zoning district regulates such alteration, expansion, or replacement and the proposed alteration, expansion, or replacement satisfies the dimensional requirements of the district.

36.7200- NONCONFORMING USES.

(A) The purpose of this section is to establish standards and procedures regulating the continuation, alteration, expansion, and replacement of nonconforming uses. The intent is to allow procedures for considering changes to nonconforming uses that do not increase the level of adverse impacts on the neighborhood, or changes required for the use to comply with State or County health or safety requirements.

(B) The Planning Director must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of the nonconforming use will have a greater adverse impact on the neighborhood under MCC 36.7214(C).

(C) Nonconforming uses shall be allowed to continue without additional permission, except that such uses may be replaced, altered or expanded only as provided in MCC 36.7205-7209 and 36.7210-7214 after verification under MCC 36.7204.

(D) If a nonconforming use is abandoned or discontinued for any reason for more than two years, it shall not be re-established unless the resumed use conforms with the requirements of this Zoning Code at the time of the proposed resumption.

(E) Notwithstanding any other provisions of this Code, a surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

(1) The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a State of Oregon exemption from surface mining regulation; and

(2) The surface mining use was not inactive for a period of 12 consecutive years or more.

(3) For purposes of this subsection, inactive means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

(F) A nonconforming use may be maintained with ordinary care.

(G) A change in ownership or occupancy of a nonconforming use is permitted.

(H) No application under this section is required for the alteration, expansion, or replacement of a lawfully established habitable dwelling when a governing zoning district regulates such alteration, expansion, or replacement and the proposed alteration, expansion, or replacement satisfies the dimensional requirements of the district.

Section 4. § § 33.7215, 34.7215, 35.7215 and 36.7215 are renumbered and amended as follows and references in §§34.5710, 35.5710 and 36.5710 will be corrected:

33.7215-7204 Verification of Nonconforming Use Status

(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:

(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and

(2) Has not been abandoned or interrupted for a continuous two year period.

(B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

(1) Description of the use;

(2) The types and quantities of goods or services provided and activities conducted;

(3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;

(4) The number, location and size of physical improvements associated with the use;

(5) The amount of land devoted to the use; and

(6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.

(7) A reduction of scope or intensity of any part of the use as determined under ~~MCC 33.7215~~this subsection (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

(D) Except for nonconforming uses considered under ~~MCC 33.7210-7214~~7214 (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.

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

~~(FE)~~ An applicant may prove the ~~existence~~, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the ~~existence~~, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, ~~lawfully~~ existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application.

Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.

(GE) For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the ~~existence~~, continuity, nature and extent of the use for a period exceeding 20 years immediately proceeding the date of application. Evidence proving the continuity, nature and extent of the use for the 20-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.

34.7215-7204 Verification of Nonconforming Use Status

(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:

- (1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and
- (2) Has not been abandoned or interrupted for a continuous two year period.

(B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

- (1) Description of the use;
- (2) The types and quantities of goods or services provided and activities conducted;
- (3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;
- (4) The number, location and size of physical improvements associated with the use;
- (5) The amount of land devoted to the use; and
- (6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.
- (7) A reduction of scope or intensity of any part of the use as determined under MCC 34.7215 this subsection (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

(D) Except for nonconforming uses considered under MCC 34.7210-7214 (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.

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

~~(FE) An applicant may prove the existence, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.~~

~~(GE) For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application. Evidence proving the continuity, nature and extent of the use for the 20-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.~~

35.7215-7204 Verification of Nonconforming Use Status

(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:

(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and

(2) Has not been abandoned or interrupted for a continuous two year period.

(B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

(1) Description of the use;

- (2) The types and quantities of goods or services provided and activities conducted;
- (3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;
- (4) The number, location and size of physical improvements associated with the use;
- (5) The amount of land devoted to the use; and
- (6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.
- (7) A reduction of scope or intensity of any part of the use as determined under ~~MCC 35.7215~~this subsection (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

(D) Except for nonconforming uses considered under ~~MCC 35.7210-7214~~ (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.

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

~~(FE)~~ An applicant may prove the ~~existence~~, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the ~~existence~~, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.

~~(GF)~~ For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application. Evidence proving the continuity, nature and extent of the use for the 20-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.

36.~~7215~~7204 Verification of Nonconforming Use Status.

(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:

(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and

(2) Has not been abandoned or interrupted for a continuous two year period.

(B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

(1) Description of the use;

(2) The types and quantities of goods or services provided and activities conducted;

(3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;

(4) The number, location and size of physical improvements associated with the use;

(5) The amount of land devoted to the use; and

(6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.

(7) A reduction of scope or intensity of any part of the use as determined under ~~MCC 36.7215~~this subsection (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

(D) Except for nonconforming uses considered under ~~MCC 36.7210-7214~~ (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.

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

~~(FE) An applicant may prove the existence, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application. Evidence proving the continuity, nature and extent of the use for the 10-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.~~

~~(GF) For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application. Evidence proving the continuity, nature and extent of the use for the 20-year period preceding application does not create a rebuttable presumption that the use lawfully existed at the time the applicable zoning ordinance or regulation was adopted.~~

33.5710 Exemptions

(A) The following activities are exempt from the requirements of MCC 33.5700 through 33.5745 and 33.6500 through 33.6535. Operators or land owners have the burden of qualifying for any exemption.

(1) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry.

(2) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on December 3, 1994 on property owned or controlled by the operator. Abandonment, restoration, or alteration of this use shall be in compliance with the non-conforming use provisions of MCC 33.7200 through 33.72157214.

* * *

34.5710 Exemptions

(A) The following activities are exempt from the requirements of MCC 34.5700 through 34.5745 and 34.6500 through 34.6534. Operators or land owners have the burden of qualifying for any exemption.

(1) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry.

(2) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on December 3, 1994 on property owned or controlled by the operator. Abandonment, restoration, or alteration of this use shall be in compliance with the non-conforming use provisions of MCC 34.7200 through 34.72157214.

* * *

35.5710 Exemptions

(A) The following activities are exempt from the requirements of MCC 35.5700 through 35.5745 and 35.6500 through 35.6535. Operators or land owners have the burden of qualifying for any exemption.

(1) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry.

(2) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on December 3, 1994 on property owned or controlled by the operator. Abandonment, restoration, or alteration of this use shall be in compliance with the non-conforming use provisions of MCC 35.7200 through 35.7215~~35.7214~~.

* * *

36.5710 Exemptions.

(A) The following activities are exempt from the requirements of MCC 36.5700 through 36.5745 and 36.6500 through 36.6536. Operators or land owners have the burden of qualifying for any exemption.

(1) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry.

(2) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on December 3, 1994 on property owned or controlled by the operator. Abandonment, restoration, or alteration of this use shall be in compliance with the non-conforming use provisions of MCC 36.7200 through 36.7215~~36.7214~~.

* * *

Section 5. § § 33.7205, 34.7205, 35.7205 and 36.7205 are renumbered and amended as follows:

33.7205-7209 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

~~(A)~~ After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 33.7215~~33.7214~~7204, the Planning Director may authorize restoration or replacement of that nonconforming use based on findings that:

~~(1A)~~ The restoration or replacement is made necessary by fire, other casualty or natural disaster, and

~~(2B)~~ The application for restoration or replacement must be ~~commenced~~ submitted within one year from the date of occurrence of the fire, casualty or natural disaster.

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

34.7205-7209 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

~~(A)~~ After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 34.72157204, the Planning Director may authorize restoration or replacement of that nonconforming use based on findings that:

~~(1A)~~ The restoration or replacement is made necessary by fire, other casualty or natural disaster, and

~~(2B)~~ The application for restoration or replacement must be ~~commenced~~ submitted within one year from the date of occurrence of the fire, casualty or natural disaster.

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

35.7205-7209 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

~~(A)~~ After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 35.72157204, the Planning Director may authorize restoration or replacement of that nonconforming use based on findings that:

~~(1A)~~ The restoration or replacement is made necessary by fire, other casualty or natural disaster, and

~~(2B)~~ The application for restoration or replacement must be ~~commenced~~ submitted within one year from the date of occurrence of the fire, casualty or natural disaster.

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

36.7205-7209 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster.

~~(A)~~ After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.72157204, the Planning Director may authorize restoration or replacement of that nonconforming use based on findings that:

~~(1A)~~ The restoration or replacement is made necessary by fire, other casualty or natural disaster, and

~~(2B)~~ The application for restoration or replacement must be ~~commenced~~ submitted within one year from the date of occurrence of the fire, casualty or natural disaster.

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

Section 6. **§ § 33.7210, 34.7210, 35.7210 and 36.7210 are renumbered and amended as follows:**

33.7210-7214 Alteration, Expansion or Replacement of Nonconforming Uses

(A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.

(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 33.7215~~7204~~, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:

(1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or

(2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.

(C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 33.7215~~7204~~, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider ~~all of the criteria factors~~ listed below. Adverse impacts to one of the ~~criteria factors~~ may, but shall not automatically, constitute greater adverse impact on the neighborhood.

* * *

34.7210-7214 Alteration, Expansion or Replacement of Nonconforming Uses

(A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.

(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 34.7215~~7204~~, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:

(1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or

(2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.

(C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 34.7215~~7204~~, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall

consider ~~all of the criteria factors~~ listed below. Adverse impacts to one of the ~~criterion factors~~ may, but shall not automatically, constitute greater adverse impact on the neighborhood.

* * *

~~35.7210-7214~~ Alteration, Expansion or Replacement of Nonconforming Uses

(A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.

(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC ~~35.72157204~~, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:

- (1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or
- (2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.

(C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC ~~35.72157204~~, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider ~~all of the criteria factors~~ listed below. Adverse impacts to one of the ~~criterion factors~~ may, but shall not automatically, constitute greater adverse impact on the neighborhood.

* * *

~~36.7210-7214~~ Alteration, Expansion or Replacement of Nonconforming Uses.

(A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.

(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC ~~36.72157204~~, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:

- (1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or
- (2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.

(C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.721~~5~~7204, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider ~~all of the criteria factors~~ listed below. Adverse impacts to one of the ~~criteria factors~~ may, but shall not automatically, constitute greater adverse impact on the neighborhood.

* * *

Section 7. **§ § 33.4105, 34.4105, 35.4105 and 36.4105, General Provisions, are amended as follows:**

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section. For nonconforming uses, the objectives of this section shall be evaluated under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses.

Section 8. **§§ 33.2630, 35.2630 and 36.2630 are amended as follows:**

33.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 33.6300 to 33.6335:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 33.2625(NM).

* * *

(P) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(Q) Park and ride lots.

(R) Realignment of roads, subject to the following limitations and the approval criteria in MCC 33.6315 and MCC 33.6340:

(1) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment.

(2) The realignment shall maintain the function of the existing road segment being re-aligned as specified in the acknowledged comprehensive plan.

(S) New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway, subject to the following limitations and the approval criteria in MCC 33.6315 and MCC 33.6340:

(1) The roads shall be limited to two travel lanes.

(2) Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(T) Transportation facilities, services and improvements that serve local travel needs, and which:

(1) Are not otherwise listed as a use in this EFU district or in OAR 660-012-0065 "Transportation Improvements on Rural Lands;" and

(2) Satisfy the approval criteria in MCC 33.6315 and MCC 33.6340:

35.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 35.6300 to 35.6335:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 35.2625(ΘN).

* * *

(P) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(Q) Park and ride lots.

(R) Realignment of roads, subject to the following limitations and the approval criteria in MCC 35.6315 and MCC 35.6340:

(1) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment.

(2) The realignment shall maintain the function of the existing road segment being re-aligned as specified in the acknowledged comprehensive plan.

(S) New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway, subject to the following limitations and the approval criteria in MCC 35.6315 and MCC 35.6340:

(1) The roads shall be limited to two travel lanes.

(2) Private access and intersections shall be limited to rural needs or to provide adequate

emergency access.

(T) Transportation facilities, services and improvements that serve local travel needs, and which:

(1) Are not otherwise listed as a use in this EFU district or in OAR 660-012-0065 "Transportation Improvements on Rural Lands;" and

(2) Satisfy the approval criteria in MCC 35.6315 and MCC 35.6340;

36.2630 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable provisions in MCC 36.6300 to 36.6335 or the criteria listed for the use:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 36.2625(NM) above. Uses under this provision shall be subject to the approval criteria in MCC 36.6315(1) through (7).

* * *

(L) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(M) Park and ride lots.

(N) Realignment of roads, subject to the following limitations and the approval criteria in MCC 36.6315 and MCC 36.6340:

(1) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment.

(2) The realignment shall maintain the function of the existing road segment being re-aligned as specified in the acknowledged comprehensive plan.

(O) New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway, subject to the following limitations and the approval criteria in MCC 36.6315 and MCC 36.6340:

(1) The roads shall be limited to two travel lanes.

(2) Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(P) Transportation facilities, services and improvements that serve local travel needs, and which:

(1) Are not otherwise listed as a use in this EFU district or in OAR 660-012-0065 "Transportation Improvements on Rural Lands;" and

(2) Satisfy the approval criteria in MCC 36.6315 and MCC 36.6340:

Section 9. §§ 33.6340, 35.6340 and 36.6340 are added as follows:

33.6340 Additional Approval Criteria For Certain Transportation Uses In The Exclusive Farm Use Zoning District

For the transportation uses listed in MCC 33.2630(R), (S), and (T), the Hearing Authority shall find that Multnomah County has:

(A) Identified reasonable build alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer.

(B) Assessed the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands.

(C) Selected from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

35.6340 Additional Approval Criteria For Certain Transportation Uses In The Exclusive Farm Use Zoning District

For the transportation uses listed in MCC 35.2630(R), (S), and (T), the Hearing Authority shall find that Multnomah County has:

(A) Identified reasonable build alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer.

(B) Assessed the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands.

(C) Selected from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

36.6340 Additional Approval Criteria For Certain Transportation Uses In The Exclusive Farm Use Zoning District

For the transportation uses listed in MCC 36.2630(N), (O), and (P), the Hearing Authority shall find that Multnomah County has:

(A) Identified reasonable build alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer.

(B) Assessed the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands.

(C) Selected from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

PART II – SIGNS

Section 10. §§ 33.2825, 33.2025, 33.2225, 33.2425, 33.2625, 33.3125, 33.3325, 34.2625, 34.2825, 34.3125, 34.3525, 35.2025, 35.2225, 35.2625, 35.2825, 35.3125, 35.3325, 36.2025, 36.2625, 36.2825, 36.3125, 36.3325 and 36.3425 are amended as follows and references to those sections in §§ 33.2630, 34.2630, 35.2045, 35.2630 and 36.2630 will be corrected:

33.2825 Review Uses

* * *

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

~~(E)~~ Off-street parking and loading.

~~(F)~~ Property Line Adjustment pursuant to the provisions of MCC 33.2860.

~~(G)~~ 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.

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

~~(H)~~ 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.

~~(J)~~ Consolidation of Parcels and Lots pursuant to MCC 33.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 33.7797.

~~(K)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2820 Allowed Uses.

33.2025 Review Uses

* * *

~~(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.

~~(I)~~ 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 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.

~~(L)~~ Consolidation of Parcels and Lots pursuant to MCC 33.7794.

~~(M)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2020 Allowed Uses.

33.2225 Review Uses

* * *

~~(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.

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

(~~HI~~) 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.

(~~JI~~) Wireless communications 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.

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

(~~LK~~) Consolidation of Parcels and Lots pursuant to MCC 33.7794.

(~~ML~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2220 Allowed Uses.

33.2425 Review Uses

* * *

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

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

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

(~~HI~~) 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.

(~~JI~~) Wireless communications 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.

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

~~(LK)~~ Consolidation of Parcels and Lots pursuant to MCC 33.7794.

~~(ML)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2420 Allowed Uses.

33.2625 Review Uses

* * *

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

~~(KJ)~~ Off-street parking and loading pursuant to MCC 33.4100 through 33.4215.

~~(LK)~~ Lot Line Adjustment pursuant to the provisions of MCC 33.2670.

~~(ML)~~ 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.

~~(NM)~~ A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 33.4100 through MCC 33.4215 (off-street parking), MCC 33.2660(C), (D) & (E) (yards), and MCC 33.7450 (signs).

~~(ON)~~ Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

~~(PO)~~ Consolidation of Parcels and Lots pursuant to MCC 33.7794.

~~(QP)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2620, Allowed Uses.

33.3125 Review Uses

* * *

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

~~(ED)~~ Off-street parking and loading.

~~(FE)~~ Property Line Adjustment pursuant to the provisions of MCC 33.3160.

~~(GE)~~ 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.

~~(HG)~~ Lots of Exception pursuant to the provisions of MCC 33.3160.

~~(IH)~~ 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.

~~(J)~~ Consolidation of Parcels and Lots pursuant to MCC 33.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 33.7797.

~~(KJ)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.3120 Allowed Uses.

33.3325 Review Uses

* * *

~~(D) Signs pursuant to the provisions of MCC 33.7400 through 33.7505;~~

~~(ED)~~ Off-street parking and loading;

~~(FE)~~ Property Line Adjustment pursuant to the provisions of MCC 33.3360.

~~(GE)~~ 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.

~~(HG)~~ Lots of Exception pursuant to the provisions of MCC 33.3360.

~~(H)~~ 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.

~~(J)~~ Consolidation of Parcels and Lots pursuant to MCC 33.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 33.7797.

~~(K)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.3320 Allowed Uses.

34.2625 Review Uses

* * *

~~(J)~~ Signs, pursuant to the provisions of MCC 34.7400 through 34.7505.

~~(K)~~ Off-street parking and loading pursuant to MCC 34.4100 through 34.4215.

~~(L)~~ Lot Line Adjustment pursuant to the provisions of MCC 34.2670.

~~(M)~~ 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.

~~(N)~~ A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 34.4100 through MCC 34.4215 (off-street parking), MCC 34.2660(C), (D) & (E) (yards), and MCC 34.7450 (signs).

~~(O)~~ Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

~~(P)~~ Consolidation of Parcels and Lots pursuant to MCC 34.7794.

~~(QP)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.2620, Allowed Uses.

34.2825 Review Uses

* * *

~~(D)~~ Signs, pursuant to the provisions of MCC 34.7400 through 34.7505.

~~(ED)~~ Off-street parking and loading.

~~(FE)~~ Property Line Adjustment pursuant to the provisions of MCC 34.2860.

~~(GE)~~ 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.

~~(HG)~~ Lots of Exception pursuant to the provisions of MCC 34.2860.

~~(IH)~~ 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.

~~(JI)~~ Consolidation of Parcels and Lots pursuant to MCC 34.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 34.7797.

~~(KJ)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.2820 Allowed Uses.

34.3125 Review Uses

* * *

~~(D)~~ Signs, pursuant to the provisions of MCC 34.7400 through 34.7505.

~~(ED)~~ Off-street parking and loading.

~~(FE)~~ Property Line Adjustment pursuant to the provisions of MCC 34.3160.

~~(GE)~~ 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.

~~(HG)~~ Lots of Exception pursuant to the provisions of MCC 34.3160.

~~(IH)~~ 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.

~~(JI)~~ Consolidation of Parcels and Lots pursuant to MCC 34.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 34.7797.

~~(KJ)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.3120 Allowed Uses.

34.3325 Review Uses

* * *

~~(D)~~ Signs pursuant to the provisions of MCC 34.7400 through 34.7505;

~~(ED)~~ Off-street parking and loading;

~~(FE)~~ Property Line Adjustment pursuant to the provisions of MCC 34.3360.

~~(GE)~~ 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.

~~(HG)~~ Lots of Exception pursuant to the provisions of MCC 34.3360.

~~(IH)~~ 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.

~~(JI)~~ Consolidation of Parcels and Lots pursuant to MCC 34.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 34.7797.

~~(KJ)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.3320 Allowed Uses.

35.2025 Review Uses

* * *

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

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

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

~~(HG)~~ 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.

~~(IH)~~ Wireless communications 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.

~~(JI)~~ Consolidation of Parcels and Lots pursuant to MCC 35.7794.

~~(KJ)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2020 Allowed Uses.

35.2225 Review Uses

* * *

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

~~(GE)~~ 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 35.2270.

~~(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.

~~(JI)~~ Wireless communications 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.

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

~~(LK)~~ Consolidation of Parcels and Lots pursuant to MCC 35.7794.

~~(ML)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2220 Allowed Uses.

35.2625 Review Uses

* * *

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

~~(KJ)~~ Off-street parking and loading pursuant to MCC 35.4100 through 35.4215.

~~(LK)~~ Lot Line Adjustment pursuant to the provisions of MCC 35.2670.

~~(ML)~~ 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.

~~(NM)~~ A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with the requirements of MCC 35.4100 through MCC 35.4215 (off-street parking), MCC 35.2660(C), (D) & (E) (yards), and MCC 35.7450 (signs).

~~(ON)~~ Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

~~(PO)~~ Consolidation of Parcels and Lots pursuant to MCC 35.7794.

~~(QP)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2620, Allowed Uses.

35.2825 Review Uses

* * *

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

~~(ED)~~ Off-street parking and loading.

~~(FE)~~ Property Line Adjustment pursuant to the provisions of MCC 35.2860.

~~(GE)~~ 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.

~~(HG)~~ Lots of Exception pursuant to the provisions of MCC 35.2860.

~~(IH)~~ 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.

~~(JI)~~ Consolidation of Parcels and Lots pursuant to MCC 35.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 35.7797.

~~(KJ)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2820 Allowed Uses.

35.3125 Review Uses

* * *

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

~~(ED)~~ Off-street parking and loading.

~~(FE)~~ Property Line Adjustment pursuant to the provisions of MCC 35.3160.

~~(GE)~~ 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.

~~(HG)~~ Lots of Exception pursuant to the provisions of MCC 35.3160.

(~~HI~~) 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.

(~~JI~~) Consolidation of Parcels and Lots pursuant to MCC 35.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 35.7797.

(~~KJ~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.3120 Allowed Uses.

35.3325 Review Uses

* * *

(~~D~~) Signs pursuant to the provisions of MCC 35.7400 through 35.7505;

(~~ED~~) Off-street parking and loading;

(~~FE~~) Property Line Adjustment pursuant to the provisions of MCC 35.3360.

(~~GE~~) 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.

(~~HG~~) Lots of Exception pursuant to the provisions of MCC 35.3360.

(~~HI~~) 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.

(~~JI~~) Consolidation of Parcels and Lots pursuant to MCC 35.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 35.7797.

(~~KJ~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.3320 Allowed Uses.

36.2025 Review Uses.

* * *

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

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

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

~~(HI)~~ 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.

~~(JI)~~ Wireless communications facilities 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.

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

~~(LK)~~ Consolidation of Parcels and Lots pursuant to MCC 36.7794.

~~(ML)~~ Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.2020 Allowed Uses.

36.2625 Review Uses.

* * *

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

~~(KJ)~~ Off-street parking and loading pursuant to MCC 36.4100 through 36.4215.

~~(LK)~~ Lot Line Adjustment pursuant to the provisions of MCC 36.2670.

~~(ML)~~ 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.

~~(NM)~~ A facility for the processing of farm crops, or the production of biofuel as defined in ORS 215, that is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. The siting standards are

the requirements of MCC 36.4100 through MCC 36.4215 (off-street parking), MCC 36.2660(C), (D) & (E) (yards), and MCC 36.7450 (signs).

(~~ON~~) 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.

(~~PQ~~) Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(~~QP~~) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in 36.7000 through 36.7060, and any other applicable zoning code requirements; and

(1) Accessory facilities including but not limited to parking areas, may only be allowed in the EFU zone if there is no alternative location in another zone and;

(2) Accessory facilities which must be located in the EFU zone, shall be of a size and scale that is consistent with the rural character of the area.

(~~RQ~~) Consolidation of Parcels and Lots pursuant to MCC 36.7794.

(~~SR~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.2620, Allowed Uses.

36.2825 Review Uses.

* * *

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

(~~DC~~) Property Line Adjustment pursuant to the provisions of MCC 36.2860.

(~~ED~~) 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.

(~~FE~~) Wireless communications facilities 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.

(~~GF~~) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in 36.7000 through 36.7060, and any other applicable zoning code requirements. Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(~~HG~~) Lots of Exception pursuant to the provisions of MCC 36.2860.

(~~IH~~) Consolidation of Parcels and Lots pursuant to MCC 36.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 36.7797.

(~~JI~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.2820 Allowed Uses.

36.3125 Review Uses.

* * *

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

(~~DC~~) Property Line Adjustment pursuant to the provisions of MCC 36.3160.

(~~ED~~) 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.

(~~FE~~) Wireless communications facilities 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.

(~~GF~~) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in 36.7000 through 36.7060, and any other applicable zoning code requirements. Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(~~HG~~) Lots of Exception pursuant to the provisions of MCC 36.3160.

(~~IH~~) Consolidation of Parcels and Lots pursuant to MCC 36.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 36.7797.

(~~JI~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.3120 Allowed Uses.

36.3325 Review Uses.

* * *

(~~D~~) Signs pursuant to the provisions of MCC 36.7400 through 36.7505;

(~~ED~~) Off-street parking and loading;

(~~FE~~) Property Line Adjustment pursuant to the provisions of MCC 36.3360.

(~~GF~~) 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.

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

(~~IH~~) Wireless communications facilities 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.

(~~JI~~) Consolidation of Parcels and Lots pursuant to MCC 36.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 36.7797.

(~~KJ~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.2820 Allowed Uses.

36.3425 Review Uses.

* * *

(~~B~~) Signs pursuant to the provisions of MCC 36.7400 through 36.7505;

(~~E~~) Property Line Adjustment pursuant to the provisions of MCC 36.3460.

(~~D~~) 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.

(~~E~~) Type B home occupation as provided for in MCC 36.6650 through 36.6660.

(~~F~~) Wireless communications facilities 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.

(~~G~~) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.

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

(~~H~~) Consolidation of Parcels and Lots pursuant to MCC 36.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 36.7797.

(~~J~~) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.3420 Allowed Uses.

34.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 34.6300 to 34.6335:

(A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 34.2625(~~N~~M).

* * *

35.2045 Use Compatibility Standards

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

* * *

Section 11. §§ 33.2820, 33.2020, 33.2220, 33.2420, 33.2620, 33.3120, 33.3320, 34.2620, 34.2820, 34.3120, 34.3320, 35.2020, 35.2220, 35.2620, 35.2820, 35.3120, 35.3320, 36.2020, 36.2620, 36.2820, 36.3120, 36.3320, 36.3420, 36.3520 and 36.7450 are amended as follows:

33.2820 Allowed Uses

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

33.2020 Allowed Uses

* * *

(V) Signs, as provided in this chapter.

33.2220 Allowed Uses

* * *

(V) Signs, as provided in this chapter.

33.2420 Allowed Uses

* * *

(V) Signs, as provided in this chapter.

33.2620 Allowed Uses

* * *

(AA) Signs, as provided in this chapter.

33.3120 Allowed Uses

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

33.3320 Allowed Uses

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

34.2620 Allowed Uses

* * *

(AA) Signs, as provided in this chapter.

34.2820 Allowed Uses

* * *

(I) Transportation facilities and improvements that serve local ~~and farm-to-market travel~~ needs or are part of the adopted Multnomah County Functional Classification of Trafficways ~~map and plan~~, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

(J) Signs, as provided in this chapter.

34.3120 Allowed Uses

* * *

(I) Transportation facilities and improvements that serve local ~~and farm-to-market travel~~ needs or are part of the adopted Multnomah County Functional Classification of Trafficways ~~map and plan~~, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

(J) Signs, as provided in this chapter.

34.3320 Allowed Uses

* * *

(J) Signs, as provided in this chapter.

35.2020 Allowed Uses

* * *

(V) Signs, as provided in this chapter.

35.2220 Allowed Uses

* * *

(V) Signs, as provided in this chapter.

35.2620 Allowed Uses

* * *

(AA) Signs, as provided in this chapter.

35.2820 Allowed Uses

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

35.3120 Allowed Uses

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

35.3320 Allowed Uses

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

36.2020 Allowed Uses.

* * *

(W) Signs, as provided in this chapter.

36.2620 Allowed Uses.

* * *

(AA) Signs, as provided in this chapter.

36.2820 Allowed Uses.

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

36.3120 Allowed Uses.

* * *

(J) Signs, as provided in this chapter.

(K) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

36.3320 Allowed Uses

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

36.3420 Allowed Uses.

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

36.3520 Allowed Uses.

* * *

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

36.7450 Signs Generally in the EFU, CFU, MUA-20, RR, PH-RC, OCL, and OR Zones.

For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 36.7460 through 36.7500.

* * *

Section 12. The amendments to Chapter 38 Columbia River Gorge National Scenic Area shall be effective upon notification of approval by the Columbia River Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture.

FIRST READING:

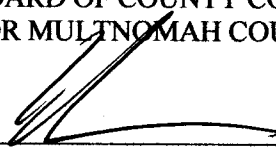
January 22, 2009

SECOND READING AND ADOPTION:

January 29, 2009



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services