

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. _____

Amending MCC Chapters 11, 33, 34, 35 and 36 relating to forest practice buildings in the Commercial Forest Zones.

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as “housekeeping amendments”). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this ordinance to the Board of County Commissioners. The Planning Commission made such recommendation through adoption of the resolution described below and pursuant to its authority in MCC 33.0140, 34.0140, 35.0140, 36.0140, 37.0710, and 38.0710 and in ORS 215.110.
- b. Planning Commission Resolution No. PC-2014-3250 relates to Commercial Forest Use (CFU) lands which conserve and protect designated lands for continued commercial growth and harvesting timber and the production of wood fiber and other forest products by limiting development of houses and structures. Currently, structures associated with forest practices are permitted on a temporary basis and are required to obtain building permits. This ordinance amends the CFU zones to allow for the establishment of forest practice structures on a permanent basis and without needing to obtain a building permit when demonstrated there is a valid forest practice on site. This is the same way the County currently regulates agricultural buildings on Exclusive Farm Use properties. Upon adoption of the ordinance, forest practice buildings will continue to require compliance with setbacks, access, maximum height limitations, environmental zones, hillside development standards, etc.
- c. The Planning Commission held a public hearing on November 3, 2014, during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission’s hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. Individual notice under ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”) was not required because this ordinance will not: amend any element of the county’s comprehensive plan, enact a new comprehensive plan, change any base zoning classification, or limit or prohibit any land use previously allowed in any affected zone.
- d. The Planning Commission’s recommendation is sound and derives from the proper execution of its duties and authority.

Multnomah County Ordains as Follows:

PART I – RELATING TO CRITERIA FOR

Section 1. MCC Sections 33.0005, 34.0005, 35.0005, 36.0005 are amended as follows:

Agricultural Building – Pursuant to ORS 455.315(2)[2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- a. Storage, maintenance, or repair of farm or forest machinery and equipment;**
- b. The raising, harvesting and selling of crops or forest products;**
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals, or honeybees;**
- d. Dairying and the sale of dairy products; or**
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.**
- f. Agricultural and forest practice buildings does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS Chapter 476, a structure subject to sections 4001 to 4127, title 42, United States Code (the national Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.**

Forest Practice Building – See Agricultural Building.

Section 2. MCC Section 11.15.0010 is amended as follows:

Agricultural Building – Pursuant to ORS 455.315 and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- a. Storage, maintenance, or repair of farm or forest machinery and equipment;**
- b. The raising, harvesting and selling of crops or forest products;**
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals, or honeybees;**
- d. Dairying and the sale of dairy products; or**
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.**
- f. Agricultural and forest practice buildings do not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure**

regulated by the State Fire Marshal pursuant to ORS Chapter 476, a structure subject to sections 4001 to 4127, title 42, United States Code (the national Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Forest Practice Building – See Agricultural Building.

Section 3. 33.2020(A)(2) Allowed Uses – Relates to the CFU-1 Zone, 33.2220(A)(2) Allowed Uses - Relates to the CFU-2 Zone, 33.2420(A)(2) Allowed Uses - Relates to the CFU-5 Zone, 35.2020(A)(2) Allowed Uses - Relates to the CFU-3 Zone, 35.2220(A)(2) Allowed Uses - Relates to the CFU-4 Zone, 36.2020(A) Allowed Uses - Relates to the CFU Zone, 11.15.2048(A)(2) Uses Permitted Outright - Relates to the CFU Zone

(A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary or permanent on site structures which are auxiliary to and used during ~~the term of a particular forest operation~~ per ORS 215 and 455.315. Conversion of these structures is subject to any applicable land use and building permit review procedures; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(B) A temporary portable facility for the primary processing of forest products.

(C) Farm use, as defined in ORS 215.203.

Section 4. MCC 29.604 - Exemption from development standards.

The following are exempt:

(* * *)

(C) Forest practices approved under the Forest Practices Act are not regulated by this subchapter. Forest practice buildings exempt from state building code per ORS Chapter 215 are subject to Flood Hazard Regulations of this subchapter in the same manner as agricultural buildings.

FIRST READING:

SECOND READING AND ADOPTION:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Jed Tomkins, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director, Department of Community Services