

## Exclusive Farm Use District

### 11.15.2002 Purposes

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.

### 11.15.2004 Area Affected

MCC .2002 through .2032 shall apply to those areas designated EFU on the Multnomah County Zoning Map.

### 11.15.2005 Definitions

As used in MCC .2002 through MCC .2032, unless otherwise noted, the following words and their derivations shall have the following meanings:

A. ***Campground*** is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

B. ***Commercial agricultural enterprise*** consists of farm operations that will:

1. Contribute in a substantial way to the area's existing agricultural economy; and
2. Help maintain agricultural processors and established farm markets.

When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and the method by which it is marketed shall be considered.

C. ***Contiguous*** refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way.

D. ***Farm Operator*** means a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

E. ***High-value farm land*** means land in a tract composed predominately of soils that are:

1. Irrigated and classified prime, unique, Class I or Class II; or
2. Not irrigated and classified prime, unique, Class I or Class II; or
3. Willamette Valley Soils in Class III or IV including:
  - a. Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;
  - b. Subclassification IIIw specifically, Cornelius;

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

- c. Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in *Soil Survey of Multnomah County*, published by the Soil Conservation Service, US Department of Agriculture, 1983.

The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to ORS 215.710(5).

- F. **Private School** means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.
- G. **Public School** means publicly owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.
- H. **Suitable for farm use** means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".
- I. **Tract** means one or more contiguous lots or parcels in the same ownership.

### **11.15.2006 Uses**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2008 through .2014.

### **11.15.2008 Primary Uses**

- A. Farm use, as defined in ORS 215.203.
- B. Buildings other than dwellings customarily provided in conjunction with farm use.
- C. The propagation or harvesting of forest products.
- D. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (1)(a) or (b).
- E. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be the basis for an exception under ORS 197.732 (1)(a) or (b).
- F. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- G. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result.
- H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- I. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

J. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a historic property inventory as defined in ORS 358.480 and listed on the National Register of Historic Places.

K. Creation of, restoration of or enhancement of wetlands.

L. Alteration, restoration or replacement of a lawfully established dwelling that has:

1. Intact exterior walls and roof structure;
2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
3. Interior wiring for interior lights; and
4. A heating system.

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

M. Replacement of an existing lawfully established single family dwelling on the same lot not more than 200 feet from the original building site when the dwelling was unintentionally destroyed by fire, other casualty or natural disaster. The dwelling may be reestablished only to its previous nature and extent, and the reestablishment shall meet all other building, plumbing, sanitation and other codes, ordinances and permit requirements. A building permit must be obtained within one year from the date of the event that destroyed the dwelling.

N. Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded:

1. Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and
2. No new use may be authorized on high value farmland; and
3. Must satisfy the requirements of MCC .6100 through MCC .6148, MCC .7025(A), MCC .7805 through MCC .7870 and MCC .7942.
4. The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands

O. Churches and cemeteries in conjunction with churches wholly within an EFU district may be maintained, enhanced or expanded:

1. Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and
2. No new use may be authorized on high value farmland; and
3. Must satisfy the requirements of MCC .6100 through MCC .6148, MCC .7025(A), MCC .7805 through MCC .7870 and MCC .7942.
4. The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

P. Actions taken in response to an emergency/disaster event as defined in MCC 11.15.0010 pursuant to the provisions of MCC 11.15.2282. *[Added 2000, Ord. 947 § 1]*

### **11.15.2010 Uses Permitted Under Prescribed Conditions**

The following uses may be permitted when approved by the Planning Director. These decisions of the Planning Director may be appealed pursuant to MCC 11.15.8290 through 11.15.8295. The procedures and forms for obtaining approval of a Use Permitted Under Prescribed Conditions shall be as provided by the Planning Director.

- A. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height provided:
  - 1. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and
  - 2. The facility satisfies the requirements of MCC .6100 through MCC .6148, MCC .7025(A), MCC .7805 through MCC .7870 and MCC .7942.
- B. Radio Towers 200 feet and under when found to satisfy the requirements of MCC .7035 through MCC .7040.
- C. A farm help dwelling for a relative on real property used for farm use if the dwelling is:
  - 1. Located on the same lot or parcel as the dwelling of the farm operator; and is
  - 2. Occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, and whose assistance in the management of the farm use is or will be required by the farm operator.
- D. A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:
  - 1. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
    - a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and
    - b. Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and
    - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection;

In determining the gross income required by subsection (a) of this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
  - 2. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
    - a. The parcel on which the dwelling will be located is at least 160 acres; and
    - b. The subject tract is currently employed for farm use, as defined in ORS 215.203; and

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

- c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
  - d. Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract; or
3. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract [the median size of commercial farm and ranch tracts shall be determined pursuant to OAR 660-33-135(3)]; and
  - b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this section; and
  - c. The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this section; and
  - d. The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and
  - e. Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; or

4. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:
    - i. At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products; or
    - ii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and
  - b. Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and
  - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection;

In determining the gross income required by subsection (a) of this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

- E. An accessory farm help dwelling, including a mobile or modular home customarily provided in conjunction with farm use if:
1. The accessory farm help dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
  2. The accessory help dwelling shall be located:
    - a. On the same lot or parcel as the dwelling of the principal farm dwelling; or
    - b. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
    - c. On a lot or parcel on which the principal farm dwelling is not located, when:
      - i. The accessory farm dwelling is a manufactured dwelling; and
      - ii. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party.
    - d. An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved; and
  3. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
  4. The principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
    - i. On land not identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:
      - i. At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
      - ii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
    - ii. On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of MCC 11.15.2010(C), a parcel may be created consistent with the minimum parcel size requirements in MCC 11.15.2016.

F. A single family heritage tract dwelling may be allowed on land not identified as high-value farmland when;[Amended 1999, Ord. 932 § III]

1. The lot or parcel meets the following requirements:
  - a. A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and
  - b. The lot or parcel satisfies all applicable laws when the lot or parcel was created; and
  - c. The lot or parcel is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and
2. The tract on which the dwelling will be sited does not include a dwelling; and
3. The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, land use regulations, and other provisions of law; and
4. The lot or parcel on which the dwelling will be sited does not lie within an area designated by the Comprehensive Plan as a Big Game habitat area; and
5. The lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single parcel when the dwelling is allowed; and
6. The County Assessor shall be notified when the permit is approved.
7. Approval of the dwelling would not:
  - a. Exceed the facilities and service capabilities of the area; and
  - b. Materially alter the stability of the overall land use pattern of the area; and
  - c. Create conditions or circumstances that are found to be contrary to the purpose or intent of the Comprehensive Plan or MCC 11.15.
8. For purposes of this subsection, and of dwellings considered under MCC 11.15.2012 (O) and (P), the following definitions apply:
  - a. *Owner* includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
  - b. *Date of Creation and Existence*. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date

of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

G. Seasonal farmworker housing as defined in ORS 197.675 when found to meet the following requirements:

1. The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
2. The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and
3. The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and
4. The seasonal farmworker housing can only be occupied for 273 days per calendar year.

H. Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:

1. MCC .7230 (A) and (B); and
2. MCC .7942; and
3. MCC .7805 through MCC .7870; and
4. Dimensional standards:
  - i. Area: Two acres.
  - ii. Width: Two hundred fifty feet.
  - iii. Depth: Two hundred fifty feet.
  - iv. Setback from all lot lines: One hundred feet.

I. Farm Stands when found that:

1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and
2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

J. On-site filming and activities accessory to on-site filming if the activity would involve no more than 45 days on any site within any one-year period or does not involve erection of sets that would remain in place for longer than any 45-day period. On-site filming and activities accessory to on-site filming may be considered to include office administrative functions such as payroll and scheduling, and the use of campers, truck trailers or similar temporary facilities.

Temporary facilities may be used as temporary housing for security personnel.

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.



"On-site filming and activities accessory to on-site filming" includes: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming" does not include: facilities for marketing, editing and other such activities that are allowed only as a home occupation or construction of new structures that requires a building permit.

K. A winery, as described in ORS 215.452.

L. 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. *[Added 2000, Ord. 947 § 1]*

### **11.15.2012 Conditional Uses**

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC .7105 to .7135:

A. Commercial activities that are in conjunction with a farm use.

B. Operations conducted for:

1. Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this section; and
2. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

C. Residential home as defined in ORS 197.660, in existing dwellings.

D. Private parks, playgrounds, hunting and fishing preserves, campgrounds and, parks, playgrounds or community centers owned and operated by a nonprofit community organization. Existing facilities wholly within an EFU district may be maintained, enhanced or expanded. New facilities may be allowed but not on high value lands. Campgrounds authorized by this provision shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

E. Parks, playgrounds or community centers owned and operated by a governmental agency.

F. Type B home occupation as provided for in MCC 11.15.7455 and provided: *[Amended 1998, Ord. 900 § III]*

1. That no sale of merchandise is made from the premise; and *[Renumbered 1998, Ord. 900 § III]*
2. That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line. *[Renumbered 1998, Ord. 900 § III]*

A home occupation located on high-value farmland may employ only residents of the home.

G. A facility for the primary processing of forest products, provided that such facility and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

one-year period which is renewable. These facilities are intended to be only portable or temporary in nature.

The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- H. 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. When the hardships end, the Planning Director shall require the removal of such manufactured homes. 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.
- I. Transmission towers over 200 feet in height subject to the requirements of MCC .7035 through MCC 7040.
- J. Dog kennels not described in section MCC 11.15.2010(H). Existing facilities wholly within an EFU district may be maintained, enhanced or expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.
- K. The propagation, cultivation, maintenance and harvesting of aquatic species.
- L. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- M. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- N. Parking of seven or fewer log trucks.
- O. A single family heritage tract dwelling may be allowed on land identified as high-value farmland when: (Note: MCC 11.15.7120 Conditional Use Approval Criteria does not apply) [*Amended 1999, Ord. 932 § III*]
  - 1. The lot or parcel meets the requirements of 11.15.2010(F)(1) through 2010(F)(8); and
  - 2. The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; and
  - 3. The dwelling will not:
    - a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

- b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
  - 4. The dwelling will not materially alter the stability of the overall land use pattern of the area.
- P. A single family heritage tract dwelling may be allowed on land identified as high-value farmland when:*[Amended 1999, Ord. 932 § III]* (Note:11.15.7120 Conditional Use Approval Criteria does not apply)
  - 1. The lot or parcel meets the requirements of 11.15.2010(F)(1) through 2010(F)(8); and
  - 2. The tract on which the dwelling will be sited is:
    - a. Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and
    - b. Less than twenty-one acres in size; and
    - c. Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
    - d. Is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.

### **11.15.2014 Accessory Uses**

The uses or structures incidental and accessory to the uses permitted under MCC .2008 through .2012 are:

- A. Structures such as garages, carports, studios, pergolas, private workshops, barns, loafing sheds, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;
- B. Structures or fenced runs for the shelter or confinement of poultry or livestock;
- C. Signs, pursuant to the provisions of MCC 11.15.7902 through .7982;
- D. Off-street parking and loading pursuant to MCC 11.15.6100 through .6148.
- E. Type A home occupation pursuant to the definition and restrictions of MCC 11.15.0010. Home occupations as defined by MCC 11.15.0010 do not allow the level of activity defined in ORS 215.448. *[Added 1998, Ord. 900 § III]*

### **11.15.2016 Dimensional Requirements**

- A. Except as provided in MCC .2018, the minimum lot size shall be 80 acres in the EFU district.
- B. That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.
- C. Minimum Yard Dimensions - Feet

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height 35 feet.

Minimum Front Lot Line Length 50 feet.

- D. The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by Ordinance.
- E. Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

### 11.15.2017 Lot Line Adjustment

- A. The Planning Director may approve an adjustment of the common lot line between contiguous legal lots based on a finding that:
  1. All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot: and
  2. The dimensional requirements of MCC .2016(A) and (C) are met; or
  3. The reconfigured lot areas will each retain the same lot area that existed prior to the exchange.

The decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.

### 11.15.2018 Lot, Parcel and Tract Requirements

- A. The Lot, Parcel and Tract requirement shall be applied to all uses in this district except for Single Family Heritage Tract Dwellings: MCC 11.15.2010(E), MCC 11.15.2012(O) or MCC 11.15.2012(P). For the purposes of this district, a lot, parcel or tract is defined as: *[Amended 1999, Ord. 932 § III]*
  1. A lot or parcel of land:
    - a. For which a deed or other instrument creating the parcel was recorded with the Department of Environmental Services or its predecessors: and
    - b. Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
    - c. Which satisfies the minimum lot size requirements of MCC .2016, or
  2. A lot or parcel of land:
    - a. For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;
    - b. Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

- c. Does not meet the minimum lot size requirements of MCC .2016; and
  - d. Which was not contiguous to another substandard parcel or parcels under the same ownership on or after February 20, 1990, or
3. A Tract of land:
- a. For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
  - b. Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and
  - c. Which were held under the same ownership on or after February 20, 1990; and
  - d. Which individually do not meet the minimum lot or parcel size requirements of MCC .2016, but, when considered in combination:
    - i. One legal lot or parcel shall comply nearly as possible with a minimum area of nineteen acres, without creating any new lot lines; or
    - ii. More than one legal lot or parcel, each property must comply with the minimum area of nineteen acres, without creating any new property line.
- B. For the purposes of this subsection:
- 1. *Substandard Lot or Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2016; and
  - 2. *Same Ownership* refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.
- C. A lot, parcel or tract which satisfies the applicable requirements of MCC .2018 and front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

### **11.15.2020 Exceptions to Lot Size for Specific Uses**

- A. Lots less than the minimum lot size specified in MCC .2016(A) may be created for uses listed in MCC .2010(A) and MCC .2012(E) based upon:
- 1. The site size needs of the proposed use;
  - 2. The nature of the proposed use in relation to its impact on nearby properties; and
  - 3. Consideration of the purposes of this district.
- B. Except as otherwise provided by MCC .2018, no sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.

## **11.15.2026 Access**

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and for passenger and emergency vehicles.

## **11.15.2030 Expiration of Certain Single Family Dwelling Approvals for Applications Received Before August 7, 1993**[Added 1998, Ord. 903 § II; Deleted 1999, Ord. 935 § 1]

## **11.15.2031 Dwelling Approval Validation [Added 1998, Ord. 903 § II; Deleted 1999, Ord. 935 § 1]**

## **11.15.2032 Permit Expiration [Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]**

All administrative and action proceedings involving discretionary decisions for which applications and fees have been collected after April 6, 1997, except land divisions and uses listed in MCC .2012, shall expire two years from the date of the Planning Director's or Hearing's Officer's decision in the matter, or two years from the date of final resolution of subsequent appeals, unless: [Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]

- A. The project is completed as approved; or
- B. A building permit has been obtained and is continuing to be kept valid under the permit regulations of the applicable government
- C. The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:
  - 1. Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.
  - 2. The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that: [Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]
    - a. Final Design Review approval has been granted under MCC .7845 on the total project, if applicable; and
    - b. At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).
  - 3. Notice of the Planning Director shall be mailed to all parties as defined in MCC .8225. [Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]
  - 4. The decision of the Planner Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295. [Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]
- D. Uses listed in MCC .2012 shall expire two years from the date of the Board Order on the matter, or two years from the date of final resolution of subsequent appeals, unless one of the conditions of .7110(c) are met.

These documents are provided for informational purposes only. If you have specific legal concerns you must contact the office.