

## **Multiple Use Forest District (MUF)**

This district is defined as Multiple Use Forest District with a minimum lot size of 20 acres.

### **11.15.2162 Purposes**

The purposes of the Multiple Use Forest District are to conserve and encourage the use of suitable lands for the growing and harvesting of timber and small wood lot management; to provide for agricultural uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses and scenic values; to provide standards for residential and other uses, including local and tourist commercial services which are compatible with forest and agricultural uses; to assure public and private recreation opportunities and to minimize potential hazards from fire, pollution, erosion and urban development.

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## **Multiple Use Forest District (MUF)**

### **11.15.2164 Area Affected**

MCC .2162 through .2194 shall apply to those lands designated MUF-38 and MUF-19 on the Multnomah County Zoning Map.

### **11.15.2166 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 .2168 through .2176.

## **Multiple Use Forest District (MUF)**

### **11.15.2168 Primary Uses**

- A. Forest practices associated with the production, management and harvesting of timber;
- B. Wood processing operations, such as:
  - 1. Pole and piling preparation;
  - 2. Portable sawmill for lumber cutting only;
  - 3. Wood chipping;
  - 4. Manufacture of fence posts; and
  - 5. Cutting firewood and similar miscellaneous products.
- C. Farm Use, as defined in ORS 215.203(2)(a) for the following purposes only:
  - 1. Raising and harvesting crops;
  - 2. Raising of livestock or honeybees; or
  - 3. Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC .2172(B).
- D. Public and private conservation areas and structures other than dwellings for the protection of water, soil, open space, forest and wildlife resources; and
- E. Residential use consisting of a single-family dwelling including a mobile or modular home, on a lot of 38 acres or more, subject to the residential use development standards of MCC .2194.
- F. 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]*

## **Multiple Use Forest District (MUF)**

### **11.15.2170 Uses Permitted Under Prescribed Conditions**

- A. Residential use, in conjunction with a primary use listed in MCC .2168, consisting of a single-family dwelling, including a mobile or modular home, subject to the following:
  - 1. The lot size shall meet the standards of MCC .2178(A) or MCC .2182(A) to (C), but shall not be less than ten acres.
  - 2. A resource management program for at least 75% of the productive land of the lot, as

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described in MCC .2172(D)(2)(a) consisting of:

- a. A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use;
  - b. A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, considering accepted farming practice;
  - c. A resource management plan for a primary use listed in MCC .2168, based upon income, investment or similar records of the management of that resource on the property as a separate management unit for at least two of the preceding three years;
  - d. A fish, wildlife or other natural resource conservation management plan certified by the Oregon State Fish and Wildlife Department or by a person or group having similar resource conservation expertise, to be suited to the lot and to nearby uses;
  - e. A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land designation under ORS Chapter 321.257, a Reforestation deferral under ORS Chapter 321.257, or participation in a current forestry improvement program of the U.S. Agricultural Stabilization and Conservation Service; or
  - f. A cooperative or lease agreement with a commercial timber company, or other person or group engaged in commercial timber operations, for the timber management of at least 75% of the productive timberland of the property. Productive timberland is that portion of the property capable of growing 50 cubic feet/acre/year.
3. The dwelling will not require public services beyond those existing or programmed for the area;
  4. The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and
  5. The residential use development standards of MCC .2194.
- B. Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Director may be appealed to the Hearings Officer pursuant to MCC .8290 and .8295. *[Amended and Renumbered 1990, Ord. 643 § 2]*

- C. 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

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requirements. *[Added 2000, Ord. 947 § 1]*

## Multiple Use Forest District (MUF)

### 11.15.2172 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

- A. Community Service Uses pursuant to the provisions of MCC .7005 through .7041. *[Amended 1982, Ord. 330 § 2]*
- B. The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640:
  - 1. Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral or subsurface resources;
  - 2. Commercial processing of forest products, primarily grown in the region, other than as specified in MCC .2168(B);
  - 3. Raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
  - 4. Feed lots;
  - 5. Raising of four or more swine over four months of age;
  - 6. Raising of fur-bearing animals for sale at wholesale or retail; and
  - 7. Commercial dog kennels.
  - 8. Houseboats and Houseboat Moorages. *[Added 1983, Ord. 402 § 17]*
  - 9. The following Conditional Uses may be permitted upon findings in addition to those required by MCC .7105 through .7640 that:
    - a. The capability of the land for resource production is maintained;
    - b. The use will neither create nor be affected by any hazards; and
    - c. Access for fire protection of timber is assured:
      - i. Cottage Industries;
      - ii. Limited rural service commercial uses, such as local stores, shops, offices, repair services and similar use; and
      - iii. Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.

*[Amended 1990, Ord. 643 § 2]*

- C. Residential use, not in conjunction with a primary use listed in MCC .2168, consisting of a single-family dwelling, including a mobile or modular home, subject to the following findings:
  - 1. The lot size shall meet the standards of MCC .2178(A), .2180(A) to (C), or 2182(A) to (C);
  - 2. The land is incapable of sustaining a farm or forest use, based upon one of the following:
    - a. A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area,
    - b. Certification by the Oregon State University Extension Service, the Oregon

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Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusion, or

- c. The lot is a Lot of Record under MCC .2182(A) through (C), and is ten acres or less in size;
3. A dwelling as proposed is compatible with the primary uses as listed in MCC .2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area;
4. The dwelling will not require public services beyond those existing or programmed for the area;
5. The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and
6. The residential use development standards of MCC .2194 will be met.

*[Renumbered 1990, Ord. 643 § 2]*

- D. Mortgage Lot: Residential use consisting of a single-family dwelling in conjunction with a primary use listed in MCC .2168, located on a mortgage lot created after August 14, 1980, subject to the following:
  1. The minimum lot size for the mortgage lot shall be two acres;
  2. Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.
  3. No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.

*[Renumbered 1990, Ord. 643 § 2]*

## **Multiple Use Forest District (MUF)**

### **11.15.2174 Accessory Uses**

- A. Signs, pursuant to the provisions of MCC11.15.7902-.7982. *[Amended 1986, Ord. 543 § 2]*
- B. Off-street parking and loading;
- C. Home occupations; and
- D. Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

### **11.15.2176 Temporary Uses**

When approved pursuant to MCC .8705 and .8710.

## Multiple Use Forest District (MUF)

### 11.15.2178 Dimensional Requirements

- A. Except as provided in MCC .2180, .2182, .2184 and .7720, the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

MUF-38.....38 acres

MUF-19.....19 acres

- B. That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- C. Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height 35 feet.

Minimum Front Lot Line Length 50 feet.

*[Amended 1984, Ord. 428 § 2]*

- 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.

## Multiple Use Forest District (MUF)

### 11.15.2180 Lots of Exception

- A. The approval authority may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2178(A), after August 14, 1980, when in compliance with the dimensional requirements of MCC .2178(C) through (E). Any exception shall be based on findings that the proposal will:
1. Substantially maintain or support the character and stability of the overall land use pattern of the area;
  2. Be situated upon land generally unsuitable for commercial forest use or the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and the location or size of the tract;
  3. Be compatible with accepted farming or forestry practices on adjacent lands;
  4. Be consistent with the purposes described in MCC .2162;

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5. Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
  6. Not require public services beyond those existing or programmed for the area.
- B. Except as provided in MCC .2180(D), no lot of Exception shall be approved unless:
1. The Lot of Record to be divided exceeds the area requirements of MCC .2178(A), and
  2. The division will create no more than one lot which is less than the minimum area required in MCC .2178(A).
- C. The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC .2162.
- D. The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district; provided that the decision of the Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.

## Multiple Use Forest District (MUF)

### 11.15.2182 Lot of Record

- A. For the purposes of this district, a Lot of Record is:
1. A 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 August 14, 1980;
    - b. Which satisfied all applicable laws when the parcel was created; and
    - c. Which satisfies the minimum lot size requirements of MCC .2178, or
  2. A 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 when the parcel was created;
    - c. Does not meet the minimum lot size requirements of MCC .2178; and
    - d. Which is not contiguous to another substandard parcel or parcels under the same ownership, or
  3. A group of contiguous parcels 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 when the parcels were created;
    - c. Which individually do not meet the minimum lot size requirements of MCC .2178, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and
    - d. Which are held under the same ownership.
- B. For the purposes of this subsection:
1. *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;
  2. *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size

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- requirements of MCC .2178; and
3. *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.
  - C. Separate Lots of Record shall be deemed created when a County maintained road or an EFU, CFU, MUA20, RR or RC zoning district boundary intersects a parcel, or aggregated group of contiguous parcels, of land.
  - D. A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
  - E. Except as otherwise provided by MCC .2180 and .2184, no sale or conveyance of any portion of a Lot of Record, other than for 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.

*[Amended 1990, Ord. 643 § 2]*

## **Multiple Use Forest District (MUF)**

### **11.15.2184 Lot Sizes for Conditional Uses**

The minimum lot size for a Conditional Use permitted pursuant to MCC .2172, except subpart (C) thereof, shall be based upon:

- A. The site size needs of the proposed use;
- B. The nature of the proposed use in relation to its impacts on nearby properties; and
- C. Consideration of the purposes of this district.

## **Multiple Use Forest District (MUF)**

### **11.15.2186 Off-Street Parking And Loading**

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

### **11.15.2188 Access**

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

## **Multiple Use Forest District (MUF)**

### **11.15.2190** *[Repealed 2000, Ord. 940 § V]*

## **Multiple Use Forest District (MUF)**

### **11.15.2192 Right To Complete Single-Family Dwelling**

A single-family dwelling, uncompleted prior to August 14, 1980, but which meets the tests stated in this subsection, may be completed although not listed as a Primary Use in this district.

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- A. Actual construction shall have commenced prior to August 14, 1980, under a sanitation, building or other development permit applicable to the lot. *Actual construction* means:
  - 1. Placement of construction materials in a permanent position;
  - 2. Site excavation or grading;
  - 3. Demolition or removal of an existing structure;
  - 4. The value of purchased building materials; or
  - 5. Installation of water, sanitation or power systems.
- B. Actual construction shall not include:
  - 1. The cost of plan preparation; or
  - 2. The value of the land.
- C. The value of actual construction commenced prior to August 14, 1980, shall be \$1,000 or more for each \$20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.

## Multiple Use Forest District (MUF)

### 11.15.2194 Residential Use Development Standards

A residential use located in the MUF district after August 14, 1980, shall comply with the following:

- A. The fire safety measure outlined in the *Fire Safety Considerations for Development in Forested Areas*, published by the Northwest Interagency Fire Prevention Group, including at least the following:
  - 1. Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and
  - 2. Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;
- B. An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot.
- C. The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2178(B).
- D. The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval.
- E. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (C), above.
- F. Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
  - 1. A setback of 30 feet or more may be provided from a public road, or
  - 2. The location of dwelling(s) on adjacent lot(s) at a lesser distance will allow for the clustering of dwellings or the sharing of access.
- G. Construction shall comply with the standards of the building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
- H. The dwelling shall be attached to a foundation for which a building permit has been obtained.
- I. The dwelling shall have a minimum floor area of 600 square feet.
- J. The dwelling shall be located outside a big game habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

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