

Conditional Uses

11.15.7105 Purposes

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

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11.15.7110 General Provisions

- A. Application for approval of a Conditional Use shall be made in the manner provided in MCC .8205 through .8280.
- B. The Approval Authority shall hold a public hearing on each application for a Conditional Use, modification thereof, time extension or reinstatement of a revoked permit.
- C. Except as provided in MCC .7330, the approval of a Conditional Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:
 1. The project is completed as approved, or
 2. The Approval Authority establishes an expiration date in excess of the two year period, or
 3. The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:
 - a. Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.
 - b. The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:

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- i. Final Design Review approval has been granted under MCC .7845 on the total project; and
- ii. 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).
- c. Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
- d. The decision of the Planning 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 1990, Ord. 643 § 2]

- D. A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.
- E. The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC .7120 and in the district provisions.

11.15.7115 Conditions and Restrictions

Except as provided for Mineral Extraction and Processing activities approved under MCC .7305 through .7325 and .7332 through .7335, the approval authority may attach conditions and restrictions to any conditional use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, off-street parking, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Chapter and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.

[Amended 1990, Ord. 643 § 2]

11.15.7120 Conditional Use Approval Criteria

- A. A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:
 - 1. Is consistent with the character of the area;
 - 2. Will not adversely affect natural resources;
 - 3. Will not conflict with farm or forest uses in the area;
 - a. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

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- b. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
4. Will not require public services other than those existing or programmed for the area;
5. Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
6. Will not create hazardous conditions; and
7. Will satisfy the applicable policies of the Comprehensive Plan.

B. Except for off-site stockpiling, subpart (A) of this subsection shall not apply to applications for mineral extraction and processing activities. Proposals for mineral extraction and processing shall satisfy the criteria of MCC .7325.

[Amended 1990, Ord. 643 § 2 and amended 1997, Ord. 876 § 2]

11.15.7122 Exclusive Farm Use Conditional Use Approval Criteria

[Added 1990, Ord. 643 § 2; Repealed 1997, Ord. 876 § 2]

11.15.7125 Design Review

Uses authorized under this section shall be subject to design review approval under MCC .7805 through .7865.

11.15.7130 Conditional Use Permit

A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the approval authority or Board of County Commissioners, in addition to those specifically set forth in this Chapter.

11.15.7127 Design Review Exemption

Exempted from the Design Review criteria of MCC .7805 through .7870(A), include:

- A. Single family residences.
- B. Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

[Added 1998, Ord. 900 § III]

11.15.7125 Design Review

Uses authorized under this section shall be subject to design review approval under MCC .7805 through .7865.

11.15.7130 Conditional Use Permit

A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the approval authority or Board of County Commissioners, in addition to those specifically set forth in this Chapter.

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11.15.7135 Suspension or Revocation of Conditional Use Permit

- A. A Conditional Use permit may be suspended by the Planning Director upon a finding by the Director that any condition or restriction of use is not satisfied.
- B. The Director shall notify the owner by first class mail, return receipt requested, of the suspension, the reasons for the decision, the action necessary for reinstatement, and the time limit and appeal procedures of this subsection.
- C. Within 90 days of the suspension notice, the Director shall reinstate the Conditional Use permit upon a finding that the conditions or restrictions of use are satisfied.
- D. Unless a longer period shall have been approved by the Planning Director, a Conditional Use permit suspended for a period in excess of 90 days shall be revoked by notice from the Director to the owner in the manner provided in subpart (B) above.
- E. A revoked Conditional Use permit may only be reinstated by action of the approval authority upon a new application for a Conditional Use permit under the provisions of this subsection.
- F. A decision of the Planning Director to suspend or revoke a Conditional Use permit may be appealed to the approval authority in the manner provided in MCC .8290 and .8295.

11.15.7140 Conditional Uses Permitted

Except as otherwise provided in each district, the following conditional uses may be permitted in any district when approved under this Chapter.

The uses listed as conditional uses within each district, subject to the findings, criteria and standards stated therein.

Animal Keeping-Dogs CU

11.15.7205 Uses

Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.

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

11.15.7240 Exemptions

11.15.7210 Location Requirements

These uses shall be permitted only in the following areas and only where they will not conflict with the surrounding property uses:

- A. In CFU, F-2, MUA-20, MUF, and RR districts or those areas of similar low population density.
- B. C-3 or C-2 commercial districts.
- C. Manufacturing districts.

11.15.7215 Minimum Site Size Requirements

- A. Area: Two acres.
- B. Width: Two hundred fifty feet.
- C. Depth: Two hundred fifty feet.

11.15.7220 Minimum Setback Requirements

These uses shall be located no closer than one hundred feet to any lot line, in or adjacent to an *F*, *R*, or *A* district.

11.15.7225 *[Deleted 1986, Ord 543 § 2]*

11.15.7230 Other Requirements

- A. All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.
- B. All kennels, runs and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
- C. The owner or operator of a use approved under this section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.
- D. A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.

11.15.7235 Other Approvals

The approval authority may request the advice of the County Dog Control Officer, officials of humane societies, and veterinarians before approving an application hereunder.

11.15.7240 Exemptions

Animal facilities for which Animal Control Facility licenses were issued prior to October 31, 1985 shall be exempted from the provisions of MCC .7205 .7235 unless:

- A. There is an increase in the number of animals in the facility, or
- B. The use is discontinued for a period of more than two years.

[Added 1987, Ord. 551 § 2]

Mineral Extraction CU

11.15.7315 Purposes

The purposes of the Mineral Extraction section are to promote the public health, safety and general welfare through the protection of mineral and aggregate resources in accordance with LCDC Statewide Planning Goal #5, and the Multnomah County Comprehensive Plan. The regulations are designed to: *[Amended 1994, Ord. 804 § IV]*

- A. Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;
- B. Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- C. Recognize mineral and aggregate resource sites which receive an ESEE designation for protection as being appropriate for extraction operations when in compliance with MCC .7325 .7332; and *[Amended 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
- D. Recognize mineral extraction as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered.

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11.15.7305 Definitions

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As used in this section, the words and their derivations defined in MCC .6765 shall have the meanings given therein. *[Amended 1994, Ord. 804 § IV]*

- A. *[Amended 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
- B. *[Amended 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
- C. *[Amended 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
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- E. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
- F. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
- G. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*

11.15.7310 Board Findings

- A. There is a need to conserve and protect known mineral and aggregate resources for present and future generations.
- B. There is a need to plan and make allowances for interim, transitional, and secondary use utilization of mineral and aggregate resource extraction areas.
- C. There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses.
- D. There is a need to provide regulations in accordance with LCDC Statewide Planning Goals.

11.15.7320 [Deleted 1994, Ord. 804 § IV]

11.15.7322 Exceptions

Exempted from the requirements of this section are those mineral extraction sites and activities as given in MCC .6760. *[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*

- A. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
- B. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
- C. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*

11.15.7325 Criteria for Approval

The approval authority shall find that:

- A. The site is included on the inventory of protected aggregate and mineral resource sites in the Comprehensive Plan. *[Amended 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
- B. There is a proposed reclamation plan which will allow the property to be utilized as provided in the Comprehensive Plan and the underlying district. *[Amended 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
- C. The applicant has shown that the standards of this section, or site-specific requirements adopted as part of a comprehensive plan amendment, can or will be met by a specified date. *[Amended 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*

1. Access and traffic.

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- a. Prior to any surface mining activity, all on-site roads used in the mining operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them. *[Added 1990, Ord. 643 § 2]*
 - b. All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way or 250 feet of a *dust sensitivel*and use.
[Added 1990, Ord. 643 § 2]
 - c. No material which creates a safety or maintenance problem shall be tracked or discharged in any manner onto any public right-of-way.*[Added 1990, Ord. 643 § 2]*
 - d. The applicant shall submit all traffic information and traffic management plans required in any site-specific Comprehensive Plan Program. The County Engineer shall review the submitted plans and shall certify, based on findings relating to the *Multnomah County Rules for Street Standards*, that the roads appropriately identified in the Plan:
 - i. Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or
 - ii. If the roads are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:
 - The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards*, and
 - A program has been developed for the numbers and weight of trucks from the site that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.
- [Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
- e. If there are no traffic management requirements in the site-specific Comprehensive Plan Program requirements, the applicant shall identify the most commonly used routes of travel from the site. The County Engineer shall certify, based on findings relating to the *Multnomah County Rules for Street Standards*, that the applicant has identified the appropriate roads, and those roads:
 - i. Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or
 - ii. If the roads are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:
 - The applicant has submitted a traffic management plan that is sufficient for the County Engineer to make relevant findings regarding necessary road improvements;
 - The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards*; and

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- A program has been developed for the numbers and weight of trucks from the site that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.

[Added 1994, Ord. 804 § IV]

2. Screening, landscaping and visual appearance.*[Amended 1990, Ord. 643 § 2]*

- a. All existing vegetation and topographic features which would provide screening and which are within 100 feet of the boundary of the proposed area of extraction shall be preserved. *[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
- b. If the site-specific Goal 5 analysis determines that existing vegetation and topography is insufficient to obscure the site from key viewing areas and corridors, then measures as identified in the Goal 5 analysis to reduce or eliminate conflicts shall be implemented. Methods of screening may include landscape berms, hedges, trees, walls, fences or similar features. Any required screening shall be in place prior to commencement of the extraction activities. *[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
- c. The Approval Authority shall grant exceptions to the screening requirements if:
 - i. The proposed extraction area is not visible from any key viewing areas and corridors identified in (b) above, or
 - ii. Screening will be ineffective because of the topographic location of the site with respect to surrounding properties, or
 - iii. The area is part of the completed portion of a reclamation plan.

[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]

3. Signing.

Signing shall be controlled by the standards of MCC .7932(A)-(D), except that only one sign for each point of access to each differently named improved street may be allowed for any operation not in a GC, EC, LM, GM, HM, C-2, M-4, M-3, M-2, and M-1 district.

[Amended 1990, Ord. 643 § 2]

4. If no hours and days of operation are contained in the site-specific Comprehensive Plan Program, the following shall apply: *[Amended 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*

- a. Operating hours shall be allowed from 7:00 am to 6:00 pm. No operation shall be allowed on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day. *[Added 1990, Ord. 643 § 2; Renumbered and Amended 1994, Ord. 804 § IV]*
- b. Blasting shall be restricted to the hours of 9:00 am to 5:00 pm. No blasting shall be allowed on Saturdays, Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.*[Added 1994, Ord. 804 § IV]*
- c. Short-term exceptions to the hours and days of operation may be approved pursuant to the provisions ofMCC .8705. *[Added 1990, Ord. 643 § 2; Renumbered 1994, Ord. 804 § IV]*

5. Air, water, and noise quality.*[Amended 1990, Ord. 643 § 2]*

- a. The applicant shall obtain and comply with the standards of all applicable emission discharge permits from the Department of Environmental Quality. Copies of all required permits shall be provided to the county prior to beginning mining. *[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
 - b. The applicant shall obtain and comply with the standards of all applicable waste water discharge permits from the Department of Environmental Quality. Copies of all required permits shall be provided to the county prior to beginning mining. *[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
 - c. Sound generated by an operation shall comply with the noise control standards of the Department of Environmental Quality. Compliance with the standards can be demonstrated by the report of a certified engineer. Methods to control and minimize the effects of sound generated by the operation on *noise sensitive* uses existing or approved (valid action or administrative decision) on the date of application may include, but not be limited to, the installation of earth berms, equipment location, limitations on the hours of operation, and relocation of access roads. *[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*
6. Fish and wildlife protection.
- Fish and wildlife habitat, water bodies, streams, and wetlands inventoried in the Comprehensive Plan shall be protected according to the program contained in the Comprehensive Plan.*[Amended 1990, Ord. 643 § 2; Renumbered and Amended 1994, Ord. 804 § IV]*
- a. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
 - b. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
 - c. *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*
7. Setbacks.*[Amended 1990, Ord. 643 § 2]*
- a. For mineral and aggregate processing activities:
 - i. 200 feet to a property line, or
 - ii. 400 feet to a *noise and dust sensitive* land use existing or approved (valid action or administrative decision) on the date of application;*[Amended 1994, Ord. 804 § IV]*
[Added 1990, Ord. 643 § 2]
 - b. For access roads and residences located on the same parcel as the mining or processing activity, setbacks shall be as required by the underlying district; and *[Added 1990, Ord. 643 § 2]*
 - c. For mineral extraction and all other activities:
 - i. 100 feet to a property line, or
[Amended 1994, Ord. 804 § IV]
 - ii. 400 feet to a *noise and sensitive* land use existing or approved (valid action or administrative decision) on the date of application. *[Amended 1994, Ord. 804 § IV]*
[Added 1990, Ord. 643 § 2]
8. Reclaimed Topography.

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All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural landforms of the immediately surrounding terrain. These reclamation standards shall not apply where the Approval Authority finds that the standards conflict with the reclamation plan provided in the Comprehensive Plan or where DOGAMI finds that the standards are less restrictive than DOGAMI reclamation standards. *[Amended 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]*

9. Safety and security.

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazard where it is found that such trespass is probable and not otherwise preventable. *[Amended 1990, Ord. 643 § 2; Renumbered and Amended 1994, Ord. 804 § IV]*

10. Phasing program.

All phases of an extraction operation shall be reclaimed before beginning the next, except where the Approval Authority or DOGAMI finds that the different phases cannot be operated and reclaimed separately. *[Amended 1990, Ord. 643 § 2; Renumbered and Amended 1994, Ord. 804 § IV]*

11. Reclamation Schedule.

The reclamation plan shall include a timetable for continually reclaiming the land. The timetable shall provide for beginning reclamation within twelve (12) months after extraction activity ceases on any segment of the mined area and for completing reclamation within three (3) years after all mining ceases, except where the Approval Authority or DOGAMI finds that these time standards cannot be met. *[Amended 1990, Ord. 643 § 2; Renumbered and Amended 1994, Ord. 804 § IV]*

D. The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

E. Proposed blasting activities will not adversely affect the quality or quantity of groundwater within wells in the vicinity of the operation. *[Amended 1990, Ord. 643 § 2]*

F. If the site is zoned Exclusive Farm Use (EFU), the proposed operations:

1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

[Amended 1994, Ord. 804 § IV]

G. If the site is zoned Commercial Forest Use (CFU):

1. The proposed operations will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
2. The proposed operations will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

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3. A written statement recognizing the rights of adjacent and nearby property owners to conduct accepted forest practices has been recorded with the property deed in accordance with OAR 660-06-025 (1994).

[Amended 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]

11.15.7328 *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*

11.15.7329 *[Added 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*

11.15.7330 *[Amended 1990, Ord. 643 § 2; Deleted 1994, Ord. 804 § IV]*

11.15.7331 Site Reclamation

- A. No mining shall begin without the operator providing the county a copy of a DOGAMI operating permit and approved reclamation permit or exemption certificate.
- B. When approving an application under this section the county shall determine the post-mining use of the property. The determination of post-mining use shall be coordinated with DOGAMI to ensure technical feasibility. The designated post-mining use shall conform to the Comprehensive Plan.

[Added 1994, Ord. 804 § IV]

11.15.7332 Monitoring

The Planning Director shall periodically monitor all extraction operations. The beginning dates and frequency of monitoring shall be determined by the Approval Authority based upon any such requirement in the Comprehensive Plan Program and upon the number and type of *noise* and *dust sensitive* land uses, and other Goal 5 resources identified in the *ESEE Analysis*. If the Director determines that an extraction operation is not in compliance with MCC .7325 or site-specific requirements of the Comprehensive Plan Program, such enforcement proceedings deemed appropriate by the Multnomah County Legal Counsel shall be instituted to require compliance.

[Added 1990, Ord. 643 § 2; Amended 1994, Ord. 804 § IV]

11.15.7335 Existing Operations

All mineral extraction uses that have been approved under MCC .5575, .5580, and .7305 through .7335, prior to July 26, 1979, shall continue to comply with the zoning standards and conditions of approval imposed at the time of approval. *[Amended 1994, Ord. 804 § IV]*

A. *[Deleted 1994, Ord. 804 § IV]*

B. *[Deleted 1994, Ord. 804 § IV]*

C. *[Deleted 1994, Ord. 804 § IV]*

D. *[Deleted 1994, Ord. 804 § IV]*

E. *[Deleted 1994, Ord. 804 § IV]*

Large Fills - CU

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1600 SE 190th Ave. | Portland, OR 97233 | (503) 988-3043 | land.use.planning@multco.us

Conditional Use - Large Fills

11.15.7350 Purposes

The purpose of the Large Fills section is to address the need for large fill sites in the unincorporated area of Multnomah County while protecting the rural character and natural resources of the County. These regulations are designed to:

- A. To address the current problem of large fill areas and sites which have been largely unregulated;
- B. Minimize potentially adverse effects on the public and property surrounding the fill site;
- C. Acknowledge that natural resources can be impacted by large fill sites;
- D. Distinguish large fills as a use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered;
- E. Provide clear and objective standards by which these uses will be reviewed;
- F. Recognize that large fills areas should not impede future uses otherwise allowed under the Comprehensive Framework Plan;
- G. To be consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; and
- H. To clarify that at the time of adoption of this ordinance, Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules.

11.15.7355 Excluded Areas

Large fills shall not be allowed in:

- A. Areas designated SEC-s;
- B. Other stream areas protected by other local, state and federal agencies;
- C. Jurisdictional wetlands which have not received fill permits from The Army Corp of Engineers and Division of State Lands; or
- D. 100 year floodplains.

11.15.7360 Application Information Required

An application for a large fill site shall include the following:

- A. A scaled site plan showing the subject property and all uses, roads, parcels, structures and water features within 1,500 feet of the fill area, when such information can be gathered without trespass;
- B. A contour map at 5' intervals showing both existing and proposed contours with datum ;
- C. A geotechnical report for the entire fill area. The report shall include but not be limited to:
 - 1. methods of site preparation;
 - 2. specific fill methods to be used including techniques such as benching and terracing;

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3. compaction methods;
 4. drainage analysis showing pre and post development runoff conditions
 5. underground drainage systems utilized for fill compaction shall have a hydraulic analysis to determine the amount of water to be accommodated;
 6. known landslides and other geologically unstable areas within 1,500 feet surrounding the fill area; and
 7. an erosion control plan for year round protection of the fill site from erosion. The plan should include erosion control measures for:
 - a. Winter stabilization
 - b. rainy season operations in spring & fall
 - c. summer operations
 - d. timelines for the various phases.
- D. Written findings demonstrating how the proposal complies with MCC 11.15.7365.
- E. A copy of the deed(s) to all parcels on which the fill site will be located.
- F. A written description of the project including specific timelines for all phases and proposed hours of operation.
- G. Application materials required to comply with MCC 11.15.6720, .6725 and .6730.
- H. A reclamation plan submitted by a licensed landscape architect demonstrating that reclaimed surfaces conform with the natural landforms of the surrounding terrain.

11.15.7365 Criteria for Approval

The approval authority shall find that:

- A. The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the fill operation.
- B. The applicant has shown that the following standards can or will be met by a specified date:
 1. Access and traffic.
 - a. Prior to any filling activity, all on-site roads used in the fill operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them.
 - b. All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way.
 - c. No material shall be tracked or discharged in any manner onto any public right-of-way.
 - d. The applicant shall submit a traffic management plan that identifies impacts to existing County infrastructure and an assessment as to the ability of the existing infrastructure to withstand increased traffic loading and usage. The County Engineer shall review the submitted plan and shall certify, based on findings relating to the *Multnomah County Rules for Street Standards*, that the road(s) identified in the plan:

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- i. Are suitable for all additional traffic created by the fill operation for the duration of the activity, or
 - ii. If the roads are unsuitable for all additional traffic created by the fill operation for the duration of the activity that:
 - i. The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards*, and
 - ii. A program has been developed for the number and weight of trucks that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.
 - e. Truck movements related to the dumping of materials shall occur entirely on-site and not utilize the public right-of-way or private easements.
 - f. Proposals in proximity to state highway facilities need to be reviewed by the Oregon Department of Transportation.
2. Buffer requirements.
- a. All existing vegetation and topographic features which would provide screening and which are within 100 feet of the proposed area of fill shall be preserved. The applicant shall demonstrate that the existing screening is sufficient to ensure the project site will not noticeably contrast with the surrounding landscape, as viewed from an identified viewing areas, neighboring properties, or accessways, or;
 - b. If existing vegetation and topography is insufficient to obscure the site from neighboring properties, accessways or identified key viewing areas, the applicant shall propose methods of screening and indicate them on a site plan. Examples of screening methods include landscape berms, hedges, trees, walls, fences or similar features. All required screening shall be in place prior to commencement of the fill activities.
 - c. The Approval Authority may grant exceptions to the screening requirements if:
 - i. The proposed fill area, including truck line-up area and fill areas are not visible from any neighboring properties, key viewing areas and accessways identified in (b) above, or
 - ii. Screening will be ineffective because of the topographic location of the site with respect to surrounding properties.
3. Signing.
- One directional sign for each point of access to each differently named improved street may be allowed for any operation. Signing shall be specified and controlled by the standards of MCC 11.15.7974.
4. Timing of Operation
- a. Hours of operation shall be specified on each application. At a maximum operating hours shall be allowed from 7:00 am to 6:00 pm. Large fills shall not operate on

Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

- b. The placement of fill materials shall not occur from October 1st - May 1st .
- 5. Air, water, and noise quality.
 - a. The applicant shall obtain and comply with the standards of all applicable permits from the Department of Environmental Quality. Copies of all required permits shall be provided to Multnomah County prior to beginning filling. If no permits are required, the application shall provide written conformation of that from the Department of Environmental Quality.
 - b. Sound generated by an operation shall comply with the noise control standards of the Department of Environmental Quality. Compliance with the standards may be demonstrated by the report of a certified engineer.
- 6. Minimum Setbacks.
 - a. For filling activities the minimum setback shall be 100 feet to a property line, or if multiple parcels, to the outermost property line of the site.
 - b. For access roads and residences located on the same parcel as the filling or processing activity, setbacks shall be as required by the underlying district.

7. Reclaimed Topography.

All final reclaimed surfaces shall be stabilized by ground control methods as specified by the landscape architect. Reclaimed surfaces shall conform with the natural landforms of the surrounding terrain.

8. Safety and security.

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass and minimize injury in the event of trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazards .

9. Phasing program.

Each phase of the operation shall be reclaimed within the time frame specified in subsection (11) or as modified in the decision.

10. Timeline

Timelines for Large fill Conditional Use Permits shall conform with the 2-year period pursuant to MCC 11.15.7110(C), unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to MCC 11.15.8240 (E).

If completion of a large fill project extends beyond 2 years pursuant to MCC 11.15.7110(C), the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

- a. The amount of fill added to the site since the start of the fill or the last engineering report and stability measures used and planned for the new fill.
- b. Future fill locations within the approved site and stability measures planned both within and outside the fill site.
- c. incidents of landslide or other instability within and outside the fill site, clean-up efforts for these incidents, and measures used and planned to prevent future incidents.

11. Reclamation Schedule.

- a. Reclamation shall begin within twelve (12) months after fill activity ceases on any segment of the project area. Reclamation shall be completed within three (3) years after all filling ceases, except where the Approval Authority finds that these time standards cannot be met.
- b. The owner shall provide an acceptable guarantee of financial surety to the County prior to beginning work. The applicant shall provide an estimate of the cost to implement the approved plan. Estimated costs shall be based upon the current local construction costs. The financial guarantee shall be 150 percent of the estimated cost to complete the plan. The financial guarantee may be reduced to 125 percent of the cost in cases where the property owner has a written contract with a contractor to guarantee completion of the work which has been reviewed and approved by the County. All such contracts are subject to review by the County. Prior to release of the financial guarantee, the applicant shall submit a report from a licensed professional engineer whose main area of expertise is geotechnical engineering to the County, approving the construction and reclamation and certifying its completion.

11.15.7370 Monitoring

The Planning Director shall periodically monitor all fill operations. The dates and frequency of monitoring shall be determined by the Approval Authority based upon the number and type of surrounding land uses and the nature of the fill operation. If the Director determines that a fill operation is not in compliance with the approval, enforcement proceedings pursuant to MCC 11.15.9052 or as deemed appropriate by the Multnomah County Counsel shall be instituted to require compliance.

For multiple year projects, prior to commencement of material placement in the spring, an engineers report shall be submitted detailing the condition of the fill after the rainy season. The report shall include any remediation needed and any necessary modifications to fill placement due to failure, slumpage, slides, etc.

Storage of Motor Vehicles of Special Interest CU

11.15.7405 Definitions

For the purpose of MCC .7405 through .7420, the following terms are hereby defined:

- A. Collector A person who owns one or more motor vehicles of special interest who collects, purchases, acquires, trades or disposes of those motor vehicles or parts thereof for the person's

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own use in order to preserve, restore and maintain a motor vehicle of special interest for hobby purposes.

B. **Motor Vehicle of Special Interest** A motor vehicle satisfying the criteria of paragraph (a) of subsection (4) or paragraph (c) of subsection (6) of ORS 481.205 or otherwise unique due to limited production, original production, mechanical or styling oddities, high intrinsic value or produced by a company no longer in existence.

C. **Parts Car** A motor vehicle generally in inoperable condition that is owned by a collector to furnish parts that are not obtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of special interest.

11.15.7410 Uses

The following uses may be permitted under MCC .7405 through .7420, when approved by the approval authority.

A. The storage by a collector of one or more motor vehicles of special interest.

B. The storage of parts of motor vehicles of special interest or of a parts car or cars when accessory to the storage of one or more motor vehicles of special interest.

11.15.7415 Approval Criteria

The approval authority shall find that the proposal will satisfy the approval criteria listed in MCC .7120.

11.15.7420 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC .7115, the approval authority:

A. Shall specify the location and size of the storage area;

B. Shall require the enclosure of the storage area within a sight-obscuring fence and that stored items be maintained in a manner so as not to be visible above the top of the fence; and

C. May require some or all of the stored items to be contained within a completely enclosed building or under a roofed structure of a size, location and design which is compatible with other permitted structures in the vicinity.

Home Occupations CU

11.15.7455 Definitions

A. *Employee* – one full or part time participant, resident or non-resident, in the business shall constitute one employee.

B. *Customers* – Any person visiting the site that is not an employee who is associated with the home.

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- C. *Normal deliveries* – The home occupation shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. These deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.
- D. *Headquarters* – A business operation where employees come to the site at any time.
- E. *Motor vehicles* – vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).

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[Added 1998, Ord. 900 § III]

11.15.7460 Purposes

The purposes of the type B home occupation section are to address the need for home based business that are small scale businesses (not more than 5 employees) and that fit in with the characteristic of the neighborhood or the area. The regulations are designed to:

- A. Protect the individual characteristics of areas in unincorporated Multnomah County and maintain the quality of life for all residents of the communities.
- B. Join in an effort to reduce vehicle miles traveled, traffic congestion and air pollution in the State of Oregon.

[Added 1998, Ord. 900 § III]

11.15.7465 Criteria for Approval

The approval authority shall find that the following standards are met:

- A. The standards found in MCC 11.15.7120.
- B. The home occupation does not employ more than 5 employees.
- C. The site has on-site parking as per MCC 11.15.6100 to accommodate the total number of employees and customers.
- D. No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. – 6 p.m.
- E. No outdoor storage or display.
- F. No signage (including temporary signage and those exempted under MCC 11.15.7912) with the exception of those required under MCC 11.05.500 - .575.
- G. No noise above 50 dba at the property lines.
- H. No repair or assembly of any vehicles or motors.

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- I. The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.
 - J. Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.
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Waterfront Uses CU

11.15.7505 Houseboats and Houseboat Moorage

The location of a houseboat or the location or alteration of an existing houseboat moorage shall be subject to approval of the approval authority:

- A. Houseboats shall mean any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility.
- B. Houseboat moorage shall mean the provision of facilities for two or more houseboats.
- C. Location Requirements: Houseboats shall be permitted only as designated by the Comprehensive Plan.
- D. Criteria for Approval: In approving an application pursuant to this subsection, the approval authority shall find that:
 1. The proposed development is in keeping with the overall land use pattern in the surrounding area;
 2. The development will not adversely impact, or be adversely affected by normal fluvial processes;
 3. All other applicable governmental regulations have, or can be satisfied; and
 4. The proposed development will not generate the untimely extension or expansion of public facilities and services including, but not limited to, schools, roads, police, fire, water and sewer.

11.15.7510 Density

The maximum density of houseboats shall not exceed one for each 50 feet of waterfront frontage. The Hearings Officer in approving a houseboat moorage may reduce the density below the maximum allowed upon finding that:

- A. Development at the maximum density would place an undue burden on school, fire protection, water, police, road, basic utility or any other applicable service.
- B. Development at the maximum density would endanger an ecologically fragile natural resource or scenic area.

11.15.7515 *[Deleted 1986, Ord. 543 § 2]*

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11.15.7520 Parking

- A. Two automobile spaces shall be provided for each houseboat.
- B. The parking area and all ingress and egress thereto shall be constructed two feet above the elevation of the 100 year flood boundary, and under the provision of MCC .6100 through .6148.

11.15.7525 Other Requirements

- A. All ramps, walkways and moorage spaces shall be designed, constructed and maintained to provide maximum safety in all weather conditions.
 - B. Lighting adequate to provide for the safety of residents and visitors shall be provided throughout a houseboat moorage.
 - C. Siting and design of all pickup and delivery facilities shall insure maximum convenience with minimum adverse visual impacts.
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Pre-Existing Uses CU

11.15.7605 *[Repealed 2000, Ord. 940 § IV]*

11.15.7610 *[Repealed 2000, Ord. 940 § IV]*

11.15.7615 *[Repealed 2000, Ord. 940 § IV]*

11.15.7620 *[Repealed 2000, Ord. 940 § IV]*

11.15.7625 *[Repealed 2000, Ord. 940 § IV]*

11.15.7630 *[Repealed 2000, Ord. 940 § IV]*

11.15.7635 *[Repealed 2000, Ord. 940 § IV]*

11.15.7640 *[Repealed 2000, Ord. 940 § IV]*