

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 115

An ordinance amending Ordinance No. 100, adding to Section 1.00, amending and adding to Section 2.00, amending Section 3.10 by adding Rural Lands Conservation District (RL-C) and by revising Agricultural District (F-2), adding, thereto, provisions for Rural Planned Development; and amending Section 13.00.

Multnomah County ordains as follows:

Section 1. Purpose

- A. The Board of County Commissioners recognizes that Ordinance No. 100 is in need of periodic revision and amendment; and in the interest of the public health, safety and general welfare of the County's citizens the Board has determined the necessity of amending Ordinance No. 100 as hereinafter more particularly described.
- B. The Board takes notice that the Multnomah County Planning Commission has initiated and proposed these changes by resolution, has held public hearings and has recommended to the Board of County Commissioners that the changes be enacted, all in accordance with Ordinance No. 100 and ORS Chapter 215.
- C. The Board takes notice of the findings made by the Planning Commission, as stated in Resolution C 14-75 dated October 28, 1975, including the need to conform the zoning of F-2 lands to Oregon Statutory Law, decisions of the Oregon appellate courts and to the Comprehensive Plan of Multnomah County.

Section 2. Amendment of Section 1.00. Section 1.00, Ordinance No. 100, is amended by adding subsections as follows:

1.015 AGRICULTURAL LAND

- a. Land of predominantly Class I, II, III and IV soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service;
- b. Other land suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices; and

- c. Land in other soil classes which is necessary to permit farm practices to be undertaken on adjacent or nearby lands.

1.225 FOREST LAND

The designation of forest lands shall be according to the United States Forest Service manual "Field Instructions for Integrated Forest Survey and Timber Management Inventories - Oregon, Washington and California, 1974" and shall include:

- a. Land composed of existing forested land suitable for commercial forest uses;
- b. Other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation;
- c. Land on which extreme conditions of climate, soil and topography require the maintenance of vegetative cover; and
- d. Other forested land in urban and agricultural areas which provides an urban buffer, wind break, wildlife and fisheries habitat, livestock habitat, scenic corridor or recreational use.

Section 3. Amendment of Subsection 2.10. Subsection 2.10, Ordinance No. 100, is amended in part by adding RL-C and amending F-2 after "SHORT TITLE" and "DISTRICT" as follows:

RL-C	Rural Lands - Conservation District with a minimum lot size of 38 acres for a single family dwelling.
F-2	Agricultural District with the minimum lot size for a single family dwelling dependent upon location, services, soil type and use capability factors.

Section 4. Amendment of Section 3.10. Section 3.10, Ordinance No. 100, is amended to read:

- 3.10 RURAL LANDS-CONSERVATION DISTRICT RL-C
- 3.101 PURPOSES.

The purposes of the Rural-Land Conservation District are to implement the Comprehensive Plan as follows: to provide for the retention of the rural character of various areas of the County while permitting the location of uses consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural land; to conserve open space and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; and to establish standards and procedures for the use of rural lands found by the Planning Commission unsuitable for agriculture or open space uses.

- 3.102 AREA AFFECTED. This subsection shall apply to those areas designated RL-C on the Multnomah County Zoning Map.
- 3.103 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 as provided by subsections 3.1031 through 3.1034.
- 3.1031 USES PERMITTED. The uses permitted in this district are:
- a. A single family dwelling constructed on the site and for which a building permit is required;
 - b. Farm use, including accepted farming practices as defined in ORS 215.203(c), for the following purposes:
 1. Raising, harvesting and selling crops;

2. Feeding, breeding, managing and selling livestock, poultry, honeybees or their products;
3. Dairying and the sale of dairy products;
4. Any other agricultural or horticultural purpose or animal husbandry purpose or any combination thereof, except as provided in subsection 3.1032d; and
5. The use of land and buildings for purposes accessory to farm use.

3.1032 USES PERMITTED UNDER PRESCRIBED CONDITIONS. The uses permitted subject to prescribed conditions for each use are:

- a. A single family dwelling constructed off-site, moved to a lot in this district and for which a building permit is not required, including mobile homes and modular homes, subject to the following:
 1. Construction shall comply with the standards of the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes.
 2. A dwelling shall be attached to a foundation constructed according to the standards of the Building Code, and for which a building permit shall have been issued.
 3. A dwelling shall have a minimum floor area of 600 square feet.
- b. A dwelling on the same lot with a permitted residence, for the housing of help required to carry out the farm uses permitted by subsection 3.1031b, subject to the following:
 1. Construction shall comply with subsection 3.1031a or subparagraphs a.1, 2 and 3 of this subsection.
 2. The siting of the dwelling shall be subject to approval of the Planning Director on a finding by the Director that the use complies with this Ordinance and is compatible with the character of the area; provided that a denial by the Planning Director may be appealed to the Board of Adjustment.
- c. Temporary structures or uses when approved pursuant to subsections 12.71 through 12.72.3.
- d. The following uses, when approved by the Hearings Council as Conditional Uses:

1. Raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
2. Raising cattle, horses, sheep or goats maintained in close quarters for the purpose of fattening for shipment to market;
3. Raising swine; and
4. Raising fur-bearing animals.

3.1033 ACCESSORY USES. The uses or structures incidental and subordinate to the uses permitted under subsections 3.1031 and 3.1032 are:

- a. Structures such as garages, carports, studios, pergolas, private workshops, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the setback standards of this district;
- b. Structures or fenced runs for the shelter or confinement of poultry or livestock, except as provided in subsection 3.1032d;
- c. Wholesale or retail sales office, limited to the sale of products raised or grown on the premises;
- d. Signs, pursuant to the standards of subsection 3.1045;
- e. Off-street parking and loading pursuant to subsection 6.20 through 6.2709; and
- f. Other structures or uses customarily incidental to any permitted use, including home occupations.

3.1034 OTHER USES. Other uses which may be approved in this district are:

- a. Community Service Uses.
- b. Conditional Uses.

3.1040 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.1032b, 3.1042 and 3.1043, the minimum lot size for a single family dwelling shall be 38 acres.

b.	Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - feet			
		Stories	Feet	Front	Side	Street Side	Rear
	50 feet	2½	35	30	10	30	30

3.1041 Structures or portions thereof, such as barns, silos, windmills, antennae or chimneys may exceed the height restriction if located at least 30 feet from any property line.

- 3.1042 LOTS OF EXCEPTION. A single family dwelling and accessory buildings and uses may be permitted on a lot of less than 38 acres, divided after the effective date of this Ordinance, when in compliance with the dimensional requirements of subsection 3.104b and on the grant of an exception by the Board of Adjustment, based on findings that the proposal will:
- a. Substantially maintain or support the character and stability of the overall land use pattern of the area;
 - b. If non-agricultural, utilize land topographically, dimensionally, economically or otherwise unsuited for agricultural use, considering the terrain, soil or land conditions, drainage or flooding, vegetation, and the location or size of the tract;
 - c. Be compatible with accepted farming practices on adjacent lands;
 - d. Be consistent with the intent and purposes of this ordinance; and
 - e. Satisfy the applicable standards of water supply, sewage disposal and minimum access.
- 3.1042.1 The Board of Adjustment may attach conditions to approval of any Lot of Exception to insure that the use is consistent with the purposes described in subsection 3.101.
- 3.1042.2 Any lot subject to this subsection shall have an area not less than two acres.
- 3.1043 LOTS OF RECORD. A parcel of land which has less than the area or front lot line minimums required by this district and for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to the effective date of this Ordinance, may be occupied by a single family dwelling and accessory buildings and uses when in compliance with the other requirements of this district. Parcels of land which are contiguous and in which greater than possessory interests are held by the same person, partnership or business entity shall be aggregated to comply as nearly as possible with the area or front lot line minimums of this district. The word "contiguous" shall refer to parcels of land which have any common boundary and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way. Nothing in this subsection shall be deemed to alter or amend the other provisions of this Ordinance.
- 3.1044 OFF-STREET PARKING AND LOADING. Off-street parking and loading shall be as required by subsections 6.20 through 6.2709.
- 3.1045 SIGNS. Unless otherwise prohibited or regulated, the following signs, non-illuminated, shall be permitted in this district:

- a. A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;
 - b. A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet;
 - c. Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of agricultural products raised or grown on the premises.
- 3.1045.1 A temporary sign with not more than two sides, advertising the sale of a tract or a legally approved subdivision or development, with a maximum sign area on one side of 80 square feet, erected not less than ten feet from the front property line, may be approved by the Planning Director.
- 3.1046 Any lot in this district shall abut a street, or shall have other access held suitable by the Hearings Council.
- 3.1047 The minimum front yard; side yard or setback requirements of subsection 3.1040.b shall be increased where the Hearings Council determines that a yard or set-back abuts a street having insufficient right-of-way width to serve the area. The Hearings Council shall determine the necessary right-of-way widths and the additional yard or set-back requirements not otherwise established by Ordinance.
- 3.1048 Except as otherwise provided by subsections 3.1042 and 3.1043, 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 minimum lot, yard or setback requirements or result in a lot of less than the size or width requirements of this district
- 3.12 AGRICULTURAL DISTRICT F-2
- 3.121 PURPOSES.

The purposes of the Agricultural District are to preserve the rural character of various areas of the County while permitting developments consistent with that character and with the capacity of the natural resources of the areas; to preserve and maintain agricultural lands; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.