

## **Proposed Policy Language as Approved and Recommended by the Community Advisory Committee**

*(Through September 2, 2015 CAC Meeting)*

### **MINERAL RESOURCES**

#### **New Policy**

1. Protect and ensure appropriate use of mineral and aggregate resources of the County and minimize conflicts between surface mining activities and surrounding land uses.

#### **New Strategies**

- A. The County shall protect significant mineral and aggregate resources consistent with Statewide Planning Goal 5 and Oregon Administrative Rules, Chapter 660, Division 16.
- B. Allow mining and the expansion of the significant goal 5 mineral and aggregate resources, in accordance with state rules, statutes and local conditional use permit requirements, to provide needed aggregate materials for the Portland Metropolitan Area.
- C. Require new or expanded mineral and aggregate extraction operations to develop programs based upon an economic, social, environmental and energy (ESEE) consequences analysis that will minimize any negative effects of mineral and aggregate-related activities on surrounding affected uses.
- D. Utilize the Protected Aggregate and Mineral Resources (PAM) Overlay and Mineral Extraction conditional use criteria to protect identified mineral and aggregate resource sites and to reduce potential impacts of resource extraction on uses within the overlay zone.
- E. Balance the need for aggregate materials with the protection of scenic views, streams, and wildlife habitat within the vicinity of significant goal 5 mineral and aggregate resources including implementing measures contained in past reconciliation reports for the Angell Brothers and Howard Canyon quarry sites.
- F. The county will coordinate its permitting and compliance monitoring processes for mineral and aggregate resources with the Oregon Department of Geologic and Mineral Industries (DOGAMI), Department of Environmental Quality (DEQ), and Oregon Department of State Lands (DSL) as applicable. For mining operations where the County has issued a land use permit, the County will initiate coordination efforts by conducting biennial compliance

reviews with the regulatory agencies or according to such other review schedule acceptable to the regulatory agencies.

- G. Conditional use permits issued by the County for new, renewed, or expanded mining operations shall be reviewed every two years to determine compliance with the permit conditions.

## **AGRI-TOURISM**

### **New Policies**

1. Do not adopt the agri-tourism provisions of ORS chapter 215 for the Sauvie Island/Multnomah Channel and West Hills rural areas. In these areas, restrict agri-tourism related uses and activities in the EFU zone to only what is allowed in conjunction with farm stands and wineries.
2. Adopt agri-tourism provisions within the EFU zone in the East of Sandy River and West of Sandy River rural areas that are more restrictive than what ORS chapter 215 allows, subject to approval standards addressing issues including, but not limited to, the following:
  - Number and duration of events, both individually and collectively
  - Attendance levels and hours of operation
  - Parking and traffic management
  - Noise
  - Signage
  - Lighting
  - Sanitation, solid waste and related matters
  - Security
  - Inspection of events
  - Siting
  - Notification requirements
  - Permit review and renewal processes
  - Complaint history
3. Agri-tourism activities and events shall be subject to a tiered review process depending upon the number and/or size of activities and events held.

### **New Strategy**

- A. The County will involve interested members of the Comprehensive Plan update Community Advisory Committee and other community members when preparing code language regarding agri-tourism.

## **FARM STANDS**

### **Policy 1.3 from Adopted Sauvie Island/ Multnomah Channel Rural Area Plan**

Develop and adopt a tiered review process for farm stand operations on EFU land distinguishing between operations that include promotional activities and those that do not. Farm stands that

occupy one acre or less (including parking) and do not include promotional activities or events shall be reviewed through the County's Type I process, based on objective standards. Farm stands that occupy more than one acre or include promotional events or activities shall be reviewed under the County's Type II application process. Until implementing code is adopted, the following shall apply:

**(a)** Proposed farm stands that would occupy more than one acre or include promotional events or activities shall be sited in order to limit the overall amount of acreage proposed for the farm stand structures and events consistent with the following standards:

**(1)** The amount of land identified for the farm stand structures and associated permanent parking shall not exceed two acres.

**(2)** The amount of land identified for farm stand promotional activities shall be the minimum necessary to accomplish the objective of supporting farming operations on the property. Absent compelling need for additional area, the area identified for promotional events, including corn mazes and event parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less.

**(3)** An applicant may seek approval to accommodate temporary parking on additional acreage during September and October of a calendar year on areas that have already been harvested or used for pasture during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following year.

**(4)** An applicant owning or leasing multiple properties in farm use shall be limited to only one Type II farm stand.

**(5)** Multnomah County may require consideration of alternative site plans for the property that use less agricultural land or interfere less with agricultural operations on adjacent lands.

**(6)** Farm stand signage shall comply with county sign ordinance standards to maintain and complement the rural character of the surrounding community.

**Policy 1.8 from Adopted Sauvie Island/ Multnomah Channel Rural Area Plan**

Fee-based promotional activities at farm stands shall be limited to those that promote the contemporaneous sale of farm crops or livestock at the farm stand and whose primary purpose is significantly and directly related to the farming operation.

**(a)** Permitted farm stand promotional activities include harvest festivals, farm-to-plate dinners, corn mazes, hayrides, farm animal exhibits, cow trains, small farm-themed gatherings such as birthday parties and picnics, school tours, musical acts, farm product food contests and food preparation demonstrations, and similar activities consistent with this policy.

**(b)** Unless authorized at farm stands by statute, administrative rule or an appellate land use decision, fee-based events, such as weddings, corporate retreats, family reunions, anniversary

gatherings, concerts, and amusement park rides, and other activities for which the primary focus is on the underlying cause for the gathering or activity rather than the farm operation, are prohibited.

## **WINERIES**

### **Policy**

1. Fee-based promotional activities at wineries shall be limited to those that promote the contemporaneous sale of wine at the winery and whose primary purpose is significantly and directly related to the winery operation.
  - a. Unless authorized at wineries by statute, administrative rule or an appellate land use decision, fee based weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, and other activities for which the primary focus is on the underlying cause for the gathering or activity rather than the winery operation, are prohibited.
  - b. Create standards that limit the area and extent of wineries and associated agri-tourism activities to the extent allowed by law in order to retain a maximum supply of land in production for farm crops or livestock, to ensure public health and safety, to minimize impacts on nearby farming operations, residents, roads, traffic circulation, wildlife and other natural resources and to maintain the rural character of Multnomah County's agricultural areas.
  - c. To the extent allowed by law, develop additional standards for wineries that address potential offsite impacts such as hours of operation, the number and duration of events, noise, lighting, signs, parking and circulation, and the size, design and placement of structures associated with the winery.
  - d. Until implementing code is adopted, the following shall apply:
    - (1) Proposed wineries that would occupy more than one acre or include agri-tourism events or activities shall be sited in order to limit the overall amount of acreage proposed for the winery structures and events.
    - (2) The amount of land identified for agri-tourism activities at wineries shall be the minimum necessary to retain productive farm land on the property.
    - (3) An applicant may seek approval to accommodate temporary parking on additional acreage during peak season on areas that have already been harvested or used for pasture during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following year.

- (4) An applicant owning or leasing multiple properties in farm use in Multnomah County shall be limited to only one winery in Multnomah County.
- (5) Multnomah County may require consideration of alternative site plans for the property that use less agricultural land or interfere less with agricultural operations on adjacent lands.
- (6) Signage shall comply with county sign ordinance standards to maintain and complement the rural character of Multnomah County's agricultural areas.

## **FARM LANDS**

### **AGRICULTURAL LAND AREA (EFU) *(Revised from the current County Comprehensive Plan)***

#### **Policies**

- A. Maximize retention of the agricultural land base by maintaining Exclusive Farm Use designated areas as farm lands with agriculture as the primary allowed use.
- B. Designate and maintain as exclusive agricultural land, areas which are:
  - 1. Predominantly agricultural soil capability I, II, III, and IV, as defined by the U.S. Soil Conservation Service; and
  - 2. Of parcel sizes suitable for commercial agriculture; and
  - 3. In predominantly commercial agriculture use; and
  - 4. Not impacted by urban service; or
  - 5. Other areas, predominantly surrounded by commercial agriculture lands, which are necessary to permit farm practices to be undertaken on these adjacent lands.
- C. Restrict the use of these lands to agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development.
- D. Ensure that proposed new dwellings in the Exclusive Farm Use designated areas receive appropriate public review by providing notice and review opportunity prior to any land use decision.
- E. Redesignating land from Agricultural land use to another land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OARs, and in this Plan.
- F. Do not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program.

### **MULTIPLE USE AGRICULTURAL LAND AREA (MUA-20) *(Revised from the current County Comprehensive Plan)***

#### **Policies**

- A. Designate and maintain as multiple use agriculture land, those areas which are:
  - 1. Generally agricultural in nature, with soils, slope and other physical factors indicative of past or present farm use; and
  - 2. Parcelized to a degree where the average lot size, separate ownerships, and non-farm uses are not conducive to commercial agricultural use; and
  - 3. Provided with a higher level of services than a commercial agricultural area has; or
  - 4. Located in micro-climates which reduce the growing season or affect plant growth in a detrimental manner (flooding, frost, etc.).
- B. Restrict uses to those that are compatible with exclusive farm use areas in recognition of the necessity to protect adjacent exclusive farm use areas.
- C. Protect farm land from adverse impacts of residential and other non-farm uses.
- D. Amend the Multiple Use Agriculture zone to include deed restrictions protecting surrounding agricultural and forestry practices as a requirement for approval of new and replacement dwellings and additions to existing dwellings.

#### Strategies

- 1. Redesignating land to another land use classification should be in accord with the standards set forth by the Statewide Planning Goals, OARs, and in this Plan.
- 2. Ensure that new, replacement, or expanding uses on MUA zoned lands minimize impacts to farmland and forest land by requiring recordation of a covenant that recognizes the rights of adjacent farm managers and foresters to farm and practice forestry on their land.
- 3. New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area.

#### **FARM DWELLINGS**

##### Policy

- 1. Allow non-agricultural uses, such as residences, on Exclusive Farm Use Lands as permitted by Oregon Administrative Statutes and Rules, with additional development standards and lot aggregation requirements to ensure protection of agricultural lands and natural and environmental resources. Limit new non-agricultural uses, and expansion of existing non-agricultural uses. This will result in a farm protection program for the County that is more restrictive than what state statutes and rules require.

2. Require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the existing EFU zoning code.
3. Prohibit creation of new lots or parcels, except as authorized by code, which detracts from agricultural practices and from protection of open space and rural community values.

## **FOREST LANDS**

### **COMMERCIAL FOREST LAND AREA (CFU)** *(Revised from the current County Comprehensive Plan)*

#### **Policies**

- A. Maximize retention of forest land by maintaining Commercial Forest Use designated areas with forestry as the primary allowed use.
- B. Designate and maintain as commercial forest land, areas which are:
  1. Predominantly in Forest Cubic Foot Site Class I, II, and III for Douglas Fir as classified by the U.S. Soil Conservation Service; and
  2. Suitable for commercial forest use and small woodlot management; and
  3. Potential reforestation areas, but not, at the present, used for commercial forestry; and
  4. Not impacted by urban services; and
  5. Cohesive forest areas with large parcels; or
  6. Other areas which are:
    - a. Necessary for watershed protection or are subject to landslides, erosion or slumping; or
    - b. Wildlife and fishery habitat areas, potential recreation areas, or of scenic significance.
- C. Allow forest management with related and compatible uses and restrict incompatible uses from the commercial forest land area, recognizing that the intent is to preserve the best forest lands from inappropriate and incompatible development.
- D. Preserve resource-based land uses related to forest practices as the primary land use.

#### **Strategies**

1. Continue to require that applications for new development comply with Lot of Record standards described in the existing CFU zoning code.

2. Continue to allow new template dwellings under the current standards of the CFU zone that are more restrictive than state requirements.
3. Allow no dwellings or other uses which are incompatible with commercial forestry on lands of the Mt. Hood National Forest and adjacent large commercial timber parcels.
4. Allow new dwellings on Commercial Forest Use zoned lands not in the Mt Hood National Forest or on large commercial forest tracts adjacent to the National Forest boundary if the lot meets current County standards regarding the "template test" or if a lot meets the legal requirements regarding ownership since 1985 set forth in Oregon Revised Statutes or Oregon Administrative Rules.
5. If current statewide planning regulations of Commercial Forest Use lands are changed, Multnomah County should not allow new subdivision lots of less than 80 acres in the CFU district in order to preserve forest practices and natural resources such as wildlife habitat, streams, and scenic views.
6. Ensure that any proposed new dwelling in the commercial forest use designated areas receives appropriate public review by providing comprehensive notice and review opportunity prior to any land use decision.
7. Redesignating land from Commercial Forest Land Use to another land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's, and in this Plan.
8. Do not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program.

## **FOREST DWELLINGS**

### **Policies**

1. Allow non-forest uses, such as residences, on Commercial Forest Use Lands as permitted by Oregon Administrative Rules, subject to lot aggregation requirements and other development standards that exceed minimum state requirements to better ensure public safety, public health and welfare, and protection of natural and environmental resources. Limit new non-forest uses and expansion of existing non-forest uses. This will result in a forest protection program for the County that is more restrictive than what state statutes and rules require.
2. Allow new dwellings on lands designated for commercial forest use only when it can be demonstrated that they will have no significant impact upon forestry practices, open space, public facilities, wildlife habitat, and rural community character. *(ESR)*
3. Recognize differences among Commercial Forest Use zoning around the county by allowing non-forestry related uses, such as residences, on Commercial Forest Use Lands according to any or all of the following conditions:



- a. dwellings on 160 acre tracts or 200 acre non-contiguous tracts;
  - b. dwellings on existing lots of record owned continuously by the current owner or antecedents of the current owner since 1985 which are capable of producing less than 5,000 cubic feet per year of commercial timber;
  - c. dwellings on existing lots of record which contain at least eleven existing lots and five existing dwellings within a 160 acre square template centered on the lot of record containing the proposed dwelling;
  - d. dwellings authorized under ORS 195.300 through 195.336 (Measure 49 claims).
4. All approved dwellings in Commercial Forest Use zones must meet additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources. *(WH)*
  5. Except where disaggregation is currently allowed in the East of Sandy River rural area, prohibit creation of new lots or parcels, except as authorized by code, which detracts from forestry practices and from protection of open space and rural community character.

### **CLUSTERING of DWELLINGS**

#### **Policies**

1. Adopt provisions within the CFU zones that require clustering of dwellings near existing public roads, and clustering of dwellings, structures and adjacent development to minimize conflicts with wildlife, natural and environmental resources, forest and agricultural practices, public safety and infrastructure. Allow for exceptions based on topographical and other unique constraints of the property.
2. Require clustering of dwellings and accessory structures in CFU zones to establish a clear relationship between the primary use and accessory use and to minimize the amount of tree removal and clearing between buildings.

### **HOME OCCUPATIONS**

#### **New Policy**

1. Allow for home occupations wherever dwellings are permitted in order to assist in developing new business opportunities and to increase convenience to residents, while considering and minimizing impacts on adjacent land uses.

### **PARCEL AGGREGATION**

#### **New Policy**

1. Require lot and parcel aggregation standards to reduce parcelization, maintain larger lot and parcel sizes in farm and forest zones, and help minimize impacts of non-farm and forest

uses on surrounding farm and forest production. In order to minimize confusion over the development potential of a property, a condition of approval for land use and development permits shall require deed restrictions be recorded that identify the properties that constitute a lot of record along with the development restrictions that go with the lot of record.

#### New Strategy

- A. In addition to recordation of deed restrictions, work with local realtors and title companies to inform them about aggregation requirements and impacts on future property development and land division.

### **RURAL CENTERS**

#### Policies

1. Ensure that new commercial and industrial uses within rural centers are small scale and low impact in nature as defined by County code so that these uses will not adversely impact agriculture or forestry uses and will reinforce the rural nature of the community, while also providing economic and employment opportunities by allowing for the maximum use of floor area for existing lawfully established buildings and parking areas to the extent allowed by State law. Commercial uses shall serve the rural community and surrounding area but industrial uses need not serve the rural community and surrounding area.
2. Implement design standards regulating commercial and industrial development which reflect and enhance the rural character of rural centers. Design standards shall be oriented to rural areas and may differ from those applied in urban areas of the County. Where appropriate, design standards should include flexibility associated with landscaping, parking or other site and design requirements. (Revised from Strategy 24.1, West of Sandy RAP)

#### Strategy

- A. Design Review Criteria should be maintained related to:
  - a. Identity;
  - b. Site Layout, considering such factors as: climate, privacy, usable outdoor areas, topography, vegetation, natural drainage, use by handicapped (as required under the State Uniform Building Code, O.R.S. 447.210 - 447.310, and all other applicable requirements), and crime prevention;
  - c. Private outdoor spaces;
  - d. Parking;
  - e. Circulation;
  - f. Service and delivery areas;
  - g. Entry areas;
  - h. Outdoor storage;
  - i. Landscaping;
  - j. Connection to the street and parking areas;
  - k. Building orientation on-site as related to crime prevention;
  - l. Safety and privacy;

- m. Preservation of natural landscape;
- n. Architectural design of commercial, industrial and civic uses that enhances design quality and ensures compatibility with surrounding rural character; and
- o. Dark sky outdoor lighting. (Revised from MCFP, Policy 19, Strategy B.2)

## **PERMITTING PROCESS**

### **New Policy**

1. Ensure that the County's development permitting procedures and requirements are consistent with state planning requirements, while also being fair and equitable to community members and minimizing the time and expense required to obtain needed permits.

### **New Strategy**

- A. Periodically review and refine permitting requirements, as needed, in consultation with affected community members and staff, to simplify requirements and reduce related time and expense for applicants while continuing to ensure consistency with State and County mandates. Potential refinements shall be based on recurring issues identified by community members or county representatives.

## **TREE PROTECTION**

### **New Policies**

1. Within rural residential and rural center zones, ensure protection of trees as part of the development approval process to the greatest extent possible or require replanting of trees as a secondary approach for maintaining tree coverage.
2. Within the Significant Environmental Concern overlay zones, protect the forest canopy from non-timber harvest clearings that have not been done under an approved Oregon Department of Forestry reforestation plan, require reforestation of such cleared non-agricultural areas and minimize the amount of landscaping and yard area associated with a dwelling.

### **New Strategies**

- A. Update development requirements as needed to ensure that removal of trees to accommodate new development is minimized and that replanting or replacement of such trees is required where physically possible.
- B. Monitor implementation of approved developments to ensure that tree protection or replanting requirements are met within a specified time period and that tree removal does not exceed levels approved as part of the development permit.
- C. Consider expansion of the Significant Environmental Concern Overlay Zone for Views (SEC-v) to the west slope of the West Hills area to protect views from the Tualatin Basin.

## **CODE COMPLIANCE**

### **New Policy**

1. Enforce compliance with the County Comprehensive Plan and Zoning Code in a fair and consistent manner in all cases of verifiable code violations.

### **New Strategies**

- A. Coordinate and work with appropriate local, state and federal agencies to ensure compliance with the County's Comprehensive Plan and Zoning Code.
- B. To ensure compliance, the County Zone Code shall provide the County a method and degree of enforcement that best fits the type and circumstances of a given violation of the County Comprehensive Plan or Zoning Code.
- C. Seek voluntary compliance by providing the person(s) responsible for an actual or alleged code violation with information about the County's Zoning Code and by providing such person(s) an opportunity to comply with the County's Comprehensive Plan and Zoning Code within reasonable timeframes with little or no penalty. Such timeframes should be closely monitored and enforced to avoid unnecessary delays to achieving compliance.
- D. Fines should be set at a level that will prevent willful violators from becoming unjustly enriched and will serve as an incentive for voluntary code compliance. Knowing or willful violations will result in fines that are substantial and objective.

## **NONCONFORMING USES**

### **Policies**

1. The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued, altered, restored or replaced in accordance with Oregon Revised Statutes 215.130 and 215.135.
2. An alteration (including additions) or replacement of a nonconforming use or structure shall not create a greater adverse impact on the neighborhood, including but not limited to, noise, dust, lighting, traffic, odor, water use, sewage disposal impacts, and safety.