

## CHAPTER 2

### LAND USE



## INTRODUCTION/BACKGROUND INFORMATION

**M**ultnomah County regulates and manages the use of land in the unincorporated portions of the County. The County does this through a variety of processes, including:

- Implements state policy and laws and furthers local planning goals by maintaining, updating and applying County land use policies, standards and regulations in its zoning codes and this Comprehensive Plan.
- Reviews development and land use proposals and help applicants to navigate the application process.
- Coordinates with Metro and other local jurisdictions in regional growth management efforts, including maintenance of the regional urban growth boundary.
- Coordinates land use and transportation planning efforts in rural areas including planning for farm and forest lands and natural resource management and protection.

***“We value all the features that make this a rural place including the quiet open spaces, vistas of productive farm and forest lands and of Mt. Hood, country roads, healthy air, soils and streams, and a night sky where can clearly see the stars.”***

***- West of Sandy River Vision Statement***

The policies contained in this chapter, as well as all chapters in this Plan, establish the legislative policy basis for the County’s land use planning program. The program is implemented primarily through application of the County’s Zoning Code, regulatory maps, and development permitting application and approval procedures. In addition, these policies establish important criteria to be used when initiating regulatory changes or reviewing and developing code, map, and policy amendments.

## Land Use Conditions

Multnomah County’s Zoning Code and associated zoning districts allow for a variety of land uses within the County. The predominant land uses throughout unincorporated Multnomah County are agricultural and forestry based. Rural residential, commercial, and industrial uses are also present, being more prominent near urbanized and incorporated areas or within designated rural centers.

A large portion of the County is within the Columbia River Gorge National Scenic Area, where land uses are subject to the Columbia River Gorge National Scenic Area Management Plan. The Management Plan provides for a similar, but separate, set of land uses that include a mix of parks and open space, forestry, farming, and residential uses.



## Relevant Studies and Planning Processes

A variety of state, regional, and local plans and policies are relevant to land use planning in Multnomah County, including the following.

Oregon's **Statewide Planning Goal 2**, Land Use Planning, requires local governments to establish, update, and implement Comprehensive Plans. Comprehensive Plans, such as this one, provide policy direction based on the expected growth and changes over the next 20 years or more.

The **Metro Urban Growth Management Functional Plan** provides policy direction for local jurisdictions within Metro's boundary to meet the goals of the 2040 Growth Concept, Metro's long-range growth management plan for the Portland metropolitan area. Policy directions from the Functional Plan are required to be adopted by local governments in their Comprehensive Plans and implementing ordinances.

In the past, Multnomah County created **Rural Area Plans** to plan for the unique geographic and environmental needs and constraints of its distinct unincorporated subareas. The four Rural Area Plans covered the following subareas: East of Sandy River, Sauvie Island/Multnomah Channel, West Hills, and West of Sandy River. Each plan provided an inventory of existing conditions such as resources and facilities as well as a set of policies guiding action over a 15 to 20 year planning horizon. As part of the County Comprehensive Plan update in 2015, the relevant parts of those rural area plans have been incorporated into this Comprehensive Plan to create a unified document.

**Columbia River Gorge National Scenic Area (CRGNSA) Management Plan.** This plan provides policy guidance for future development and other land use actions within the CRGNSA. In addition, the County's Zoning Code includes a chapter that implements these policies for that area.

**Multnomah County's Zoning Code** is organized by rural and urban subareas, overall administrative procedures, and general building regulations. The rural and urban subareas (Rural Zoning Code and Urban Zoning Code) contain detailed descriptions of zoning districts and specify what uses are allowed outright or conditionally in each zone. In addition, the codes contain procedures for various land use issues, including design review, variances, and land divisions. The administrative procedures are the processes and procedures by which the County reviews and decides upon applications for all permits relating to the use of land. The building regulations, applicable to most unincorporated areas, include permit processes for electrical, plumbing, and grading, as well as street standards.



The **Hazards Mitigation Plan** is a planning document, which meets federal requirements by addressing hazards, vulnerability, and risk. The mitigation plan is a necessary requirement for federal mitigation grant fund eligibility. Relevant policies from that document have been incorporated into various chapters of this Plan. The Hazards Mitigation Plan also is referenced here as a supporting document of the Comprehensive Plan.

The **2015 Climate Action Plan** serves as the 40-year roadmap for the institutional and individual change needed to meet an 80% reduction of community-wide greenhouse gas emissions by 2050. The County Climate Action Plan is regularly updated. The County has made substantial progress in carrying out actions under the previously adopted 2014 Climate Change Preparation Strategy. Relevant policies from that document have been incorporated into various chapters of this Plan, including policies related to green building practices.

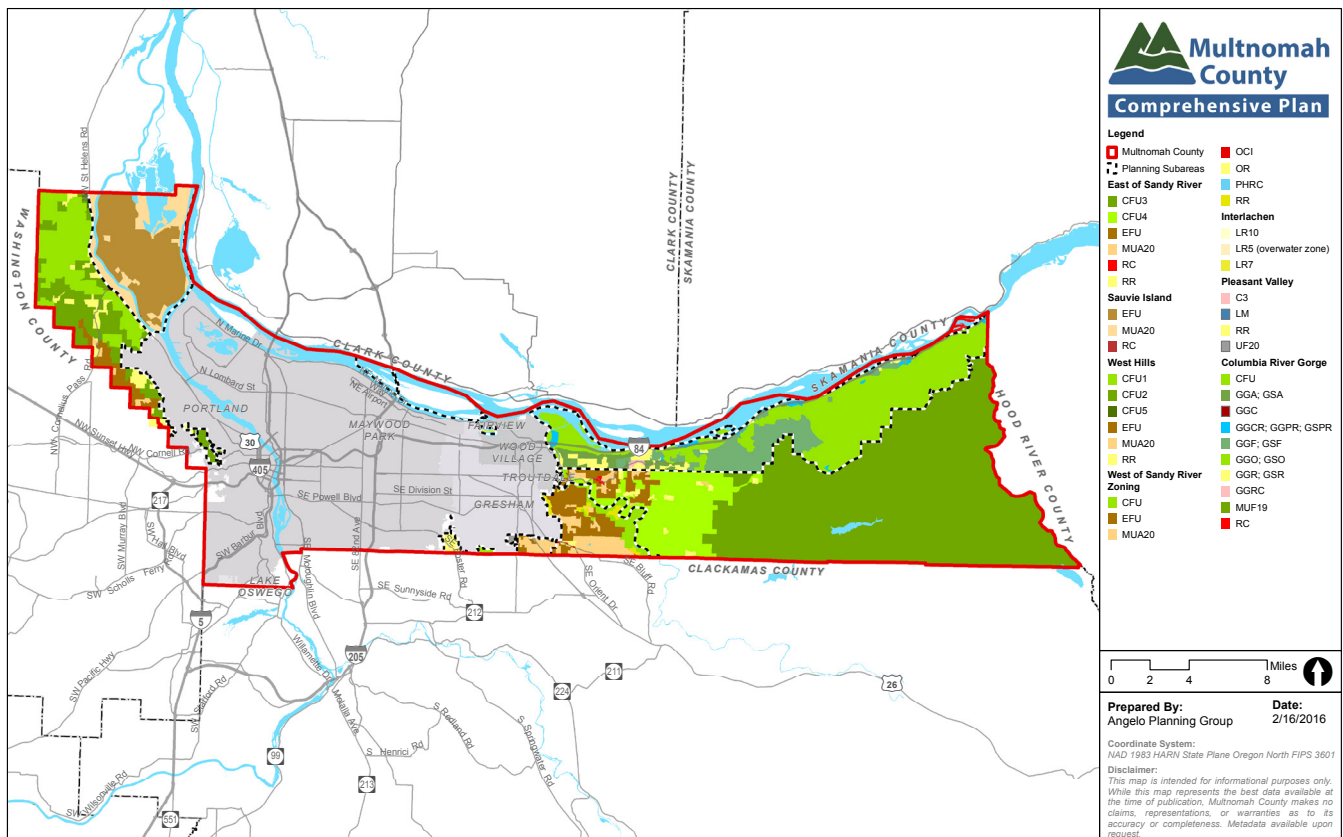


Figure 1- Multnomah County Zoning



## Key Planning Issues and Supporting Information

Based on extensive outreach and solicitation of feedback from Community members, a number of key planning issues have been identified that affect land use planning policies and practices in the rural portions of Multnomah County, including the following:

- **Implementation of State rules and regulations.** State laws and administrative rules provide the underpinnings for how cities and counties regulate land use in Oregon and form the basis for many of the policies in this section of the Plan. However, Multnomah County has some ability to tailor specific policies and standards to address local needs, priorities, and conditions. Both community members and the Community Advisory Committee (CAC) discussed and commented on this issue at length during the most recent update of the Comprehensive Plan. The majority of people who participated in the process agreed that in some cases, it is appropriate to implement County policies that are stronger than minimum state requirements to ensure protection of farm and forest land and to minimize impacts of development on surrounding farm and forestry operations and other land uses. Examples of this approach include policies on “aggregation”, agri-tourism, and forest dwellings.
- **Rural character.** The importance of protecting the rural character of the rural portions of Multnomah County has been a recurring theme in previous rural area planning efforts and during the County’s most recent Comprehensive Plan update. This generally translates into policies to maintain relatively low densities of development, support and maintain farm and forest uses and operations, build compact “non-urban” roads and other public facilities, and protect natural and scenic resources. Definitions of rural character are found in Chapter 1 of this Plan.
- **Urban Growth Boundary/Urban and Rural Reserves.** Multnomah County coordinates with the Metro regional government in regional growth management and planning efforts. Metro is responsible for maintaining the region’s urban growth boundary (UGB) and for establishing Urban and Rural Reserves in cooperation with counties. Designation of the UGB and reserves affects policies and standards for land use and development within them.
- **Natural resources and hazards.** There is strong support among County residents for protecting natural resources and minimizing the impacts of natural hazards. Chapters 5 and 7 of this Plan address this topic in detail. However, there is a significant amount of cross-over between this topic and other land use planning policies found in this chapter.



- **Rural residential, commercial, industrial, and other non-farm and non-forest development.** For the most part, these types of development occur outside the County farm and forest zones in areas designated for non-farm and non-forest development, including rural residential areas and rural centers. Issues of community importance include the ability to reuse vacant commercial and industrial buildings, potential impacts of increased development on water quality, and opportunities for businesses in rural centers to serve both the rural centers and surrounding areas.
- **Home occupations.** State law allows for certain types of “home occupations” (businesses occurring within a residence) in farm and forest zones as conditional uses. Counties can choose whether or not to allow these uses in these areas and may decide how to regulate their impacts on surrounding uses. In addition, some commercial activities can be permitted outright within a residence if they operate in a manner that is indistinguishable from the residential use of a dwelling.
- **Site and development standards.** The County’s Zoning Code includes a variety of standards for how homes, businesses, and other structures are located on a property and designed. Community members have stressed a desire for flexibility that balances development with standards that help preserve rural character and reduce the impacts of a given development on surrounding properties and residents. This includes flexibility in standards for parking and landscaping, along with potential new standards for building design that emphasize rural character.
- **Land use permitting process.** Applying for a land use permit can be a challenging and complex process. Many permitting standards, processes, and timelines are set by state law. Community members have consistently stressed the need for the County to be fair, consistent, and reasonable in their approach to requiring and reviewing development permits.
- **Grading and Fill.** Fill dirt is often imported to resource zoned lands. The fill frequently comes from an urban site being prepared for development and farmers in resource areas will sometimes accept fill to improve the potential for growing crops by making the land better drained and more level, and/or by placing good topsoil on top of less productive soil. The County allows this practice and the County’s zoning ordinance includes exemptions from obtaining a grading and erosion control permit, including an exemption for “routine agricultural management practices.” However, problems can arise when property owners receiving fill claim the exemption even though the volume and extent of the fill suggest that use of the fill goes beyond routine agricultural practices. In these situations, County staff may struggle with the exact meaning of ‘routine agricultural management practices’ due to a lack of a clear definition and/or related standards.





## GOAL, POLICIES, AND STRATEGIES

**Goal:** To implement an efficient land use planning process and policy framework as a basis for all decisions and actions related to use of land that is consistent with state law and community goals and priorities, addresses or mitigates potential conflicts between different land uses, and is implemented in a fair, equitable and reasonable manner.

### Policies and Strategies Applicable County-wide

#### *Growth Management and Regional Coordination*

Within the Portland region, Metro has responsibility for managing the regional Urban Growth Boundary (UGB) in coordination with Multnomah County and other cities and counties. The UGB is intended to include enough land to accommodate a 20-year supply and all urban development is required to occur within the boundary. In addition to managing the UGB, Metro works with local jurisdictions to establish Urban and Rural Reserves. The purpose of urban and rural reserves is to facilitate planning for urbanization of the Portland metro region over the 50 year plan period from 2010 to 2060. Urban reserves provide greater certainty to agricultural and forestry industries, urban industries, and service providers about the future location of possible urban growth boundary expansion. Rural reserves provide long-term protection of farm and forest land and landscape features that enhance the unique sense of place of the region.

The reserves plan relies on designation of urban reserves land, which can only be designated by Metro, and on rural reserve land that can only be designated by the County. Because of this division of authority in the reserves plan, the County has amended its plan and zoning map to adopt rural reserves, and also shows urban reserve designations on the map. Policies in this section reflect this process along with related regional and local goals and policies.

- 2.1** Coordinate with Metro in its role to establish and maintain an Urban Growth Boundary in accord with the following:
  - 1. Metro's authority under state law to establish and change the UGB.
  - 2. The procedures adopted by Metro for UGB amendments.
  - 3. The requirements of statewide Goal 14 on UGB amendments and any applicable statute pertaining to UGB amendments.
- 2.2** Transfer land use jurisdiction to Multnomah County cities for the unincorporated lands within the Urban Growth Boundary in accordance with approved urban planning area agreements between the County and the cities.



- 2.3** Support higher densities and mixed land uses within the Urban Growth Boundary.
- 2.4** Establish and maintain rural reserves in coordination with urban reserves adopted by Metro and in accord with the following principles:
  1. Areas shown as rural reserve on the County plan and zone map shall be designated and maintained as rural reserves to protect agricultural land, forest land, and important landscape features.
  2. Rural reserves designated on the plan map shall not be included within any UGB in the county for 50 years from the date of the ordinance adopting the reserves designations.
  3. Areas designated rural reserves in the county shall not be re-designated as urban reserves for 50 years from the date of the ordinance adopting the reserves designations.
  4. The County will participate together with an appropriate city in development of a concept plan for an area of urban reserve that is under consideration for addition to the UGB.
  5. The County will review the designations of urban and rural reserves, in coordination with Metro and Clackamas and Washington Counties, 20 years from the date of the ordinance adopting the reserves designations, or earlier upon agreement of Metro and the other two counties.
  6. The County will not amend the zoning to allow new uses or increased density in rural and urban reserve areas except in compliance with applicable state rules.

**Strategy 2.4-1:** *The urban and rural reserve program for the Portland Metro region is predicated on coordination between Multnomah, Clackamas, and Washington Counties and Metro. As a part of continuing efforts to implement this long-term program, the County has agreed to:*

1. Amend the Multnomah County plan and zoning map to show areas designated by Metro as urban reserve and areas designated by Multnomah County as rural reserve.
2. Participate with Clackamas and Washington counties and Metro to consider proposals for major or minor amendments to the reserves maps that may occur prior to the end of the 50-year reserves planning period.





3. Consider the suitability of any lands not designated as urban or rural reserve for such designation during the reserves plan review that is intended to occur within 20 years of the initial reserves designations.

**Strategy 2.4-2:** *A key element of the reserves program is that identification of land suitable for urban reserve provides the certainty needed for local governments and service providers to plan for future service needs in UGB expansion areas. The County will participate with Metro and an appropriate city in concept planning of urban reserve areas under consideration for inclusion within the UGB subject to the principles:*

1. Concept planning for specific, enumerated urban reserves on the urban and rural reserves map may occur separately and at different times.
2. A concept plan for any urban reserve area must be approved by the county, the city or cities who will govern the area, and by Metro.
3. Concept plans shall provide that any area added to the UGB shall be governed by an existing city, or by a new city, and shall include provision for the orderly efficient transition from urbanizable to urban land. The preferred approach is for existing county zoning and rural level of services to remain in effect until new urban areas are annexed into the designated city.
4. Concept planning for urban reserve areas that are suitable for industrial and other employment uses will recognize the opportunity to provide jobs in this part of the region.
5. Concept planning for urban reserve areas that are suitable for a mix of urban uses will recognize the opportunity to provide employment and mixed-use centers with housing at higher densities and employment at higher floor-to-area ratios, and will include designs for a walkable, transit-supportive development pattern.
6. Concept planning shall recognize environmental and topographic constraints and habitat areas and will reduce housing and employment capacity expectations accordingly.
7. Concept plans shall be designed to avoid or minimize adverse effects on farm and forest practices, and on important natural landscape features, on nearby rural land.



## *Rural Residential Areas*

Most residential uses in the rural portions of the County that is not related to agricultural and forestry operations occurs in areas zoned for rural residential use or in designated rural centers. This type of development is already well established in these areas and future similar development is not expected to cause the loss of either rural character or natural resource lands. The intensity of the land use pattern is based on the capacity of land and the ability to accommodate such uses, the existing level of services, state requirements associated with lot sizes and density, and the goals of retaining rural character and protecting natural resource in these areas.

In general, these areas are not suitable for commercial farm or forest operations because of the existing land use pattern of development, small parcel sizes, non-aggregated ownership, and largely non-commercial resource uses. Small scale agriculture and forestry operations may occur and are, in fact, considered to be an integral part of the rural residential environment.

**2.5** Designate limited areas for rural residential development based upon the following criteria:

1. Significant parcelization when an average of five (5) acres or less has already occurred, the majority of which are separately owned and developed;
2. The area is not a cohesive commercial farm or forest resource area;
3. The designated area is compatible with any adjacent farm or forest uses and would not cause any substantial conflict with these natural resource uses;
4. The land resource is predominantly forest or forest-agricultural in nature (discounting the residences), rather than agricultural in character;
5. There are no physical development limitations which would cause the area to be hazardous for development; and
6. Limited, but adequate, services must be available for the area, including those provided on-site (water and subsurface sewage disposal), as well as off-site (school, fire, police).

**2.6** Protect farmland and forest land from encroachment by residential and other non-farm or non-forest uses that locate in the RR zone.

**2.7** Ensure that new, replacement, or expanding uses in the RR zone minimize impacts to farm and forest land by requiring recordation of a covenant that recognizes the rights of adjacent farm and forestry practices.



- 2.8** New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area.

### *Rural Centers, Commercial, and Industrial Uses*

Areas designated for rural centers contain limited commercial, community service, industrial, and residential uses. Public sewer service is not available in these areas and other support services are usually limited. The intensities and types of uses located within these centers must be appropriate to the character of the rural area. The size of commercial and industrial uses in rural centers is limited by state law and local zoning standards in order to be compatible with the rural character.

These areas are intended to provide rural services for the residents and businesses located within them; they are not intended to encourage growth as dense communities. The location of these areas and arrangement of land uses within them will be guided by the policies contained in this Plan.

Commercial uses within unincorporated areas of the County are predominantly found in rural centers and largely support those communities and surrounding areas, as well as people passing through. They are not intended to be destinations for people coming from urban areas of the County. The availability and accessibility of consumer goods and services enhances a community's economic base and livability.

Office uses located in rural centers may include services to the public, as well as those for other businesses in the surrounding areas. In addition to providing needed services, these uses also provide employment for a number of people, as well as benefits to the surrounding rural community. Similar to commercial uses, office uses are intended to be limited in size and scale.

In rural centers, industrial land uses may include manufacturing, storage, wholesale trade, construction, natural resource, and extractive operations. Zoning ordinance standards control the design of industrial sites and minimize impacts on surrounding land uses.

#### Rural Center Location and Siting

- 2.9** Establish and maintain Rural Centers which are intended primarily for commercial and community services needed by the residents of the rural areas of the County, and to provide some tourist services.
- 2.10** Rural Centers are or may be established on the basis of existing center development, on local area needs, on an evaluation of probable impacts on adjacent natural resource areas, on the demand for land to serve the primary purposes in a compact pattern, and on the capacity and condition of existing support services.



**2.11** Expansion of a Rural Center (RC) to adjacent land shall be based upon findings that:

1. Land zoned EFU or CFU will not be included unless that is the only land physically available;
2. Insufficient vacant available land exists within the center;
3. The expansion will not significantly impact adjacent natural resource or rural residential areas, or that such impacts can be mitigated;
4. The expansion will be adjacent to existing RC boundaries; and
5. The expansion is not for the primary purpose of residential development.

**2.12** The County shall determine the suitability of uses within a Rural Center by:

1. Measuring the need for a use based upon the primary intent of the center.
2. Determining that sufficient land exists within a center to accommodate the needed uses and maintaining a measurement of absorption rate of vacant lands.
3. Establishing development standards commensurate with the rural nature of the area.
4. Ensuring that adjacent natural resource areas are minimally impacted.

#### Residential Uses in Rural Centers

**2.13** Continue to reinforce the rural nature of designated rural communities through the zoning code by limiting residential development to one dwelling unit per Lot of Record.

**2.14** Require new residential parcels in the Rural Center zone to be at least one acre in size in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

**2.15** Accommodate permitted growth and development within designated rural communities while preserving their rural function and appearance.



### Commercial Uses in Rural Centers

- 2.16** 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.
- 2.17** Improve the availability and accessibility of consumer goods and services for rural areas by supporting the location and scaling of commercial development in rural centers to meet the needs of the surrounding community and reinforce community identity.
- 2.18** Encourage land use development patterns which support the efficient use of existing rural centers.
- 2.19** Locate commercial activities in rural centers which are planned and developed as a unit related in location, size, and type of shops to the trade area to be serviced and to create aesthetically attractive community focal points.
- 2.20** Provide for tourist commercial uses in clusters at highway interchanges or in areas with special tourist attractions.
- 2.21** Provide for home occupations and small business in rural centers to assist in developing new business opportunities and to increase convenience to rural residents.
- 2.22** Minimize adverse impacts of commercial, office, and industrial development on adjacent development, including residential uses, through site location and design standards.
- 2.23** Reduce crime through design and site location based on the principles of defensible space.
- 2.24** Support commercial, office, and industrial development siting and expansion at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience and energy conservation.
- 2.25** Promote compatible development and minimize adverse impacts of site development on adjacent properties and the surrounding community through the application of design review standards.



### Office Uses in Rural Centers

- 2.26** Locate office services in rural centers where they can best serve households and businesses within rural centers and the surrounding rural community by providing jobs and services close to where people live.
- 2.27** Provide siting and expansion opportunities to office uses meeting their locational and development requirements.
- 2.28** Support the location of office, commercial, and industrial activities on existing transportation systems with volume capacities and modal mixes available and appropriate to serve present and future scales of operation.

### *Industrial Uses in Rural Centers*

- 2.29** Protect the stability and functional aspects of industrial uses by protecting them from incompatible uses.
- 2.30** Promote economic diversification and growth in rural centers by allowing appropriate industrial uses meeting locational and site requirements appropriate to the rural character of the center and surrounding area.
- 2.31** Encourage the siting and expansion of industrial uses in rural centers to meet the needs for jobs by rural residents.
- 2.32** Ensure that impacts to EFU and CFU zoned land from new or expanding uses in adjacent RC zones are minimized by requiring “right to farm” measures to be implemented in those areas. These measures can be in the form of maintaining a larger setback between the new development and the zone boundary, and/or requiring recordation of a covenant that recognizes the rights of adjacent farm and forest managers to farm their land and practice forest management.
- 2.33** Implement regulations to ensure that new or expanded commercial and industrial development will not exceed the capacity of water supply and waste disposal services available to the site, or if such services are not available to the site, the capacity of the site itself to provide water and manage wastewater, including sewage.
- 2.34** Implement regulations to ensure that new or expanded commercial and industrial uses will not result in public health hazards or adverse environmental impacts.





- 2.35** Ensure that new and expanded commercial or industrial uses are subject to design review in order to ensure compatibility with the community character.

### *Home Occupations*

Multnomah County undertook an extensive review of its standards related to home occupations in 2012 and refined those standards at that time. The updated standards are consistent with state law and allow home occupations in farm and forest zones. The level of review depends on the scale of the home occupation, with three categories of occupations and associated land use permitting and review processes. The following policy affirms the County's approach to this issue.

- 2.36** 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.





## *Community Identity and Design*

Community identity is a feeling people have about their community. An identifiable community allows a person to immediately have a place of reference. For those people who live in a community, it provides a sense of place and belonging. Evidence has also shown that a sense of identity tends to generate pride and encourages people to maintain and enhance their place of residence. Residents of rural Multnomah County highly value the rural character of the area and strongly desire to maintain it.

Community character and identity can be influenced to a large degree by the design of properties and buildings. Design policies and standards address the location, scale, and design of land uses and their relationship to one another. This may include how a building is located on a property, how parking is configured, what types of signs are used, use of landscaping, and the architectural design of buildings. The purpose of site and building design standards is to promote community identity and character, to minimize conflicts in the location and development of different land uses in the same area, and to help assure efficient, satisfying, and safe land developments of lasting value and benefit.

### **2.37** Create, maintain or enhance rural community identity by:

1. Identifying and reinforcing community boundaries;
2. Identifying important natural landscape features and requiring these to be preserved;
3. Requiring identified important natural landscape features be preserved as part of the development process.

***Strategy 2.37-1: Maintain an inventory of important natural landscape features in each rural community and preserve them through the Design Review Process or other appropriate means.***

***Strategy 2.37-2: Identify the need and appropriate locations for public facilities.***

### **2.38** 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.



**2.39** Maintain a design review process which:

1. Evaluates and locates development proposals in terms of scale and related community impacts with the overall purpose being a complementary land use pattern that limits adverse impacts on farm and forest practices, on wildlife, and natural and environmental resources.
2. Evaluates individual public and private developments from a functional design perspective, considering such factors as privacy, noise, lights, signing, access, circulation, parking, provisions for the handicapped and crime prevention techniques.
3. Allows for an administrative procedure with an appeal process, and using criteria and guidelines developed specifically for the different type of land use developments.
4. Establishes criteria and standards for preexisting uses commensurate with the scale of the new development proposed.
5. Regulates commercial and industrial development in a manner that reflects and enhances the rural character of designated rural communities.

**Strategy 2.39-1:** *Maintain an expeditious Design Review Process with provisions for enforcing requirements.*



**Strategy 2.39-2:** *The following strategies should be maintained as a part of the Zoning Ordinance:*

1. Design Review Provisions should be maintained with objectives to:
  - a. Preserve and enhance the amenities of the natural and developed environment;
  - b. Maintain and improve the qualities of, and relationships among, buildings and surrounding uses;
  - c. Ensure that individual development contributes to a quality environment for people utilizing the development; and
  - d. Encourage consideration for the climate, soil capabilities and limitations, topography, and natural vegetation in the site plan.
2. 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; and
  - m. Preservation of important natural landscape features.
  - 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.



### *Permitting, Code Enforcement, and Other Procedural Issues*

Most types of development in Multnomah County require some type of land use permit. The County's Zoning Code includes standards and procedures for permit applications, processing and approval of such permits. County staff strives to conduct these processes in a fair, reasonable, and efficient manner but the sheer complexity of the state and local regulations being administered can make this a challenge.

Similarly, the County is responsible for enforcing its development and land use standards. Given the limited staff resources available to enforce the code within the large land area involved, the majority of enforcement is done through a complaint driven process. County staff generally relies on County residents to report potential code violation issues before investigating them. Once they are investigated and affirmed, County staff works cooperatively with property owners to resolve the issue(s), if possible, before resorting to fines or other enforcement actions to ensure compliance.

- 2.40** 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.

***Strategy 2.40-1:** 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.*

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

***Strategy 2.41-1:** Coordinate and work with appropriate local, state, and federal agencies to ensure compliance with the County's Comprehensive Plan and Zoning Code.*

***Strategy 2.41-2:** To ensure compliance, the County Zoning 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.*



**Strategy 2.41-3:** *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.*

**Strategy 2.41-4:** *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.*

### *Grading and Fill Policies and Strategies*

The following policy and strategy are intended to ensure that exemptions for the use of fill for agricultural topsoil are in fact used for that purpose and that volumes of fill do not exceed what would typically be needed or used as topsoil.

- 2.42** Establish standards for qualifying topsoil fill as a routine agricultural management practice exempt from County review requirements.

**Strategy 2.42-1:** *The following shall be considered for inclusion in code amendments pertaining to topsoil fill as an agricultural management practice:*

1. Existing conditions and soil types.
2. Review thresholds.
3. Review the Grading and Erosion Control submittal requirements and the Large Fills submittal requirements when considering application submittal requirements for agricultural topsoil reviews. Additionally, applications should include the proposed location, extent, volume, depth, material and soil type, timing of the project from start to finish and a farm management plan demonstrating how the topsoil will be employed in conjunction with farm use (farm use as defined in ORS 215).
4. The Planning Director may require concurrence from experts from agencies such as, but not limited to, the Oregon Department of Agriculture and the local Soil and Water Conservation Service.
5. Grading and fill material used for re-contouring or leveling agricultural sites should not be reviewed as a topsoil project and should continue to be reviewed under applicable Grading and Erosion Control standards or Hillside Development standards.





- 2.43** Establish limits for fill that does not qualify as an agricultural management practice and is subject to County review requirements.

**Strategy 2.43-1:** *Amend the Zoning Code to clarify that in all zones except for the MUA-20 and RR zones, a total cumulative limit of 5,000 cubic yards of fill per each Lot of Record is allowed. Large Fills exceeding 5,000 cubic yards are only permitted in the MUA-20 and RR zones subject to approval of a Conditional Use permit.*

**Strategy 2.43-2:** *Amend the Zoning Code to clarify that Large Fills must be in conjunction to an approved use.*

- 2.44** Establish clearly defined exemptions to the Grading and Erosion Control permit requirements.

**Strategy 2.44-1:** *Consider adding thresholds, standards and definitions to the residential gardening and landscape maintenance exemption.*

**Strategy 2.44-2:** *Consider verification thresholds and a concurrence requirement for grading and fill projects that are conducted as part of a Forest Practices project.*

## Other Policies

The following policies address other land use planning issues that do not fit into the previous policy topics.

- 2.45** Support the siting and development of community facilities and services appropriate to the needs of rural areas while avoiding adverse impacts on farm and forest practices, wildlife, and natural and environmental resources including views of important natural landscape features.
- 2.46** Encourage land use development which supports the efficient use of existing and planned community facilities.
- 2.47** Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience and energy conservation.
- 2.48** Promote compatible development and minimize adverse impacts of site development on adjacent properties and the surrounding rural community through the application of design review standards.



- 2.49** 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.
- 2.50** 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.
- 2.51** As part of land use permit approval, impose conditions of approval that mitigate off-site effects of the approved use when necessary to:
1. Protect the public from the potentially deleterious effects of the proposed use; or
  2. Fulfill the need for public service demands created by the proposed use.

## Policies and Strategies Specific to Individual Subareas

There are no policies in this chapter specific to individual rural planning areas.