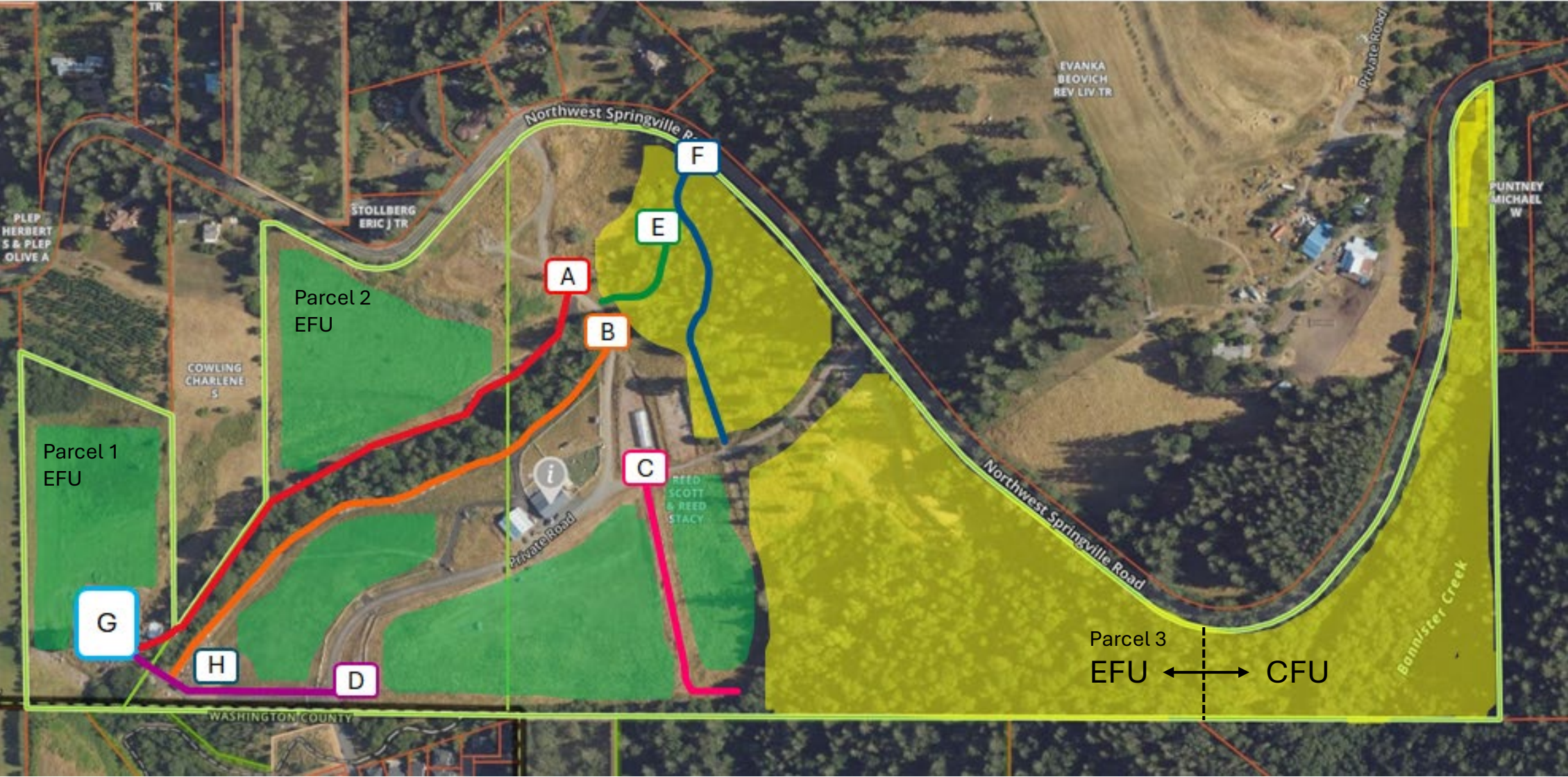


Respondents' Map of 12424 NW Springville Rd Portland OR

Resp. Ex. A.



Driveway A

Driveway B

Driveway C

Driveway D

Driveway E

Driveway F

Loading Area G

Corral Area H

Doug Fir Stand

Goat & Chicken Pasture

Ex. D.12, Pg. 1



Taxlot Parcels



Resp. Ex. B

City Boundaries



Base Zoning

Rural Zoning - Multnomah County

-  CFU
-  CFU1
-  CFU2
-  CFU3
-  CFU4
-  CFU5
-  EFU
-  LR10
-  LR5

BEFORE THE MULTNOMAH COUNTY HEARINGS OFFICER

MULTNOMAH COUNTY,

Plaintiff,

V.

SCOTT REED and STACY REED,

Respondents.

Code Case File: CCPRI-2025-0003

DECLARATION OF SCOTT
REED

I, Scott Reed, declare as follows:

1. My wife, Stacy Reed, and I own the subject property in the above-captioned matter (“the Property”).
2. The Property is located at 12424 NW Springville Rd, Portland, OR 97229 in Multnomah County.
3. The Property is zoned exclusive farm use (EFU) and commercial forest use (CFU) by Multnomah County (County).
4. There is no dwelling on the subject properties. We have received County land use approval and grading permit for a single-family dwelling to be built near and accessed from Springville Road. Site work has begun on the new dwelling.
5. Prior to our purchase of the Property in 2014, the Property had been in commercial farm use for both forestry and farm use (dairy/hay production) since the 1930's.
6. Around 2007 the prior owners harvested mature timbers and then replanted approximately 20 acres of Douglas Fir seedlings on the Property. Those seedlings continue to be an active commercial timber stand that we manage today.
7. Since acquiring the Property in 2014, we have continuously used the Property exclusively for farming and forest practices.
8. Prior to 2020, we operated a commercial dairy on the subject properties, along with raising Boer goats and pasture raised chickens. The Dairy portion of our operation ceased around

2020, but we continued raising goats and chickens.

9. Today, our farm operation consists of raising and selling Boer goats for meat and managing over 500 pasture-raised laying hens, which produce fresh eggs that we sell directly to customers daily via home delivery and from our farm stands on Redfox Drive and Springville Road.
10. We utilize a rotational grazing system that allows our goats and chickens to forage across most of the property. The extensive road network, which the County identifies as "private driveways" in the Notice of Civil Violation (NOV) for the above-captioned matters (A, B, C, D, E and F), are each used to access these multiple pastures.
11. We also manage a significant amount of commercial timber stands. We utilize this road network to monitor forest health, control invasive species, manage our timber stands, conduct brush clearing and fire fuels reduction, harvest trees, and transport equipment necessary to maintain our active forestry operation.
12. The farm roads labeled by the County as "private driveways" A and B were established and have been in existence since the 1930's and have been continuously used since as such.
13. "Private driveways" A and B are a critical part of our farm and forest operations, are used regularly to access the various pastures on our farm, to move goats from pasture to pasture, to relocate our mobile chicken enclosure, watering stations, and mineral feeders, and to transport forest products from the timbered areas on our property to the loading area, which the County identifies as "G" in the NOV.
14. The road labeled by the County as "private driveway" C is the most direct access route to our commercial timber stand at the southeast portion of the Property. We utilize this road to transport forest products grown on the Property to our woodlot, which the County identifies as "Loading Area G" in the NOV. It also cuts through one of our pastures, so it allows us to manage our mobile chicken enclosure and herd and transport goats from pasture to pasture.
15. Our chicken operation consists of over 500 laying hens, which we free range on our pastures. Due to the significant presence of predators, including coyotes, who have killed over 100 of our hens in a single nighttime event, we use a mobile chicken enclosure which is segmented into a coop area and a free-range area. The mobile enclosure can be attached to our farm equipment and moved to multiple areas within the pastures on our farm. We move the enclosure on a regular basis to ensure our hens have a source of fresh range, and the chicken manure also serves as fertilizer for our pastures. Without the enclosure, our entire hen stock would be killed by predators within a week.
16. The road labeled by the County as "private driveway" D enables direct access from the Property to Redfox Drive, which is where many of our customers enter the Property and is the location of one of our farmstands. It is the most direct access point from Red Fox Drive to our goat corral (H), which is where we prepare and sell our goats. It also is the most direct point of access from Red Fox Drive, and our Southeast timber stands to our wood lot (Loading Area (G), where it serves as a logging road for the transport of forest materials harvested from our forested areas to the loading area (G).

17. "Private Driveway" D was established and has been used well before 2010. We made improvements to "private driveway" D in 2022 to support heavy truck traffic, completing them prior to August, 2022.
18. The farm roads labeled by the County as "private driveways" E and F were established no later than 2006, which was the last time the forested portions of our property were commercially logged. Each road is critical to our farm and forest operations, and is used to transport equipment for thinning, pest management, goats, who clear undergrowth when needed for wildfire suppression, and forest products, which are transported to our loading area (G) and processed for either firewood or materials milled and used on the farm (fence boards, building materials, slabs). Without these logging roads, it would be impossible for us to conduct the needed operations to manage the timbered areas on this portion of our property for commercial forest use
19. We require year-round access to "private driveways" A, B, C, D, E and F. This requires us to routinely maintain and repair them to support our farm and forestry operations. This routine repair and maintenance include placing rock and other fill materials to eliminate low spots, mitigate mud, manage drainage and stabilize the roadbeds for vehicular use.
20. Our woodlot, which is labeled by the County as "Loading Area G" in the NOV is used for storage and disposal of logs and other slash from the subject Property. In addition, we store materials to repair and maintain our farm roads, our heavy ag equipment used in our farm and forest operations, and feed for our goats. Loading Area G is accessed by vehicles from "private driveways" A, B, and D.
21. In 2022, we began a multi-year project to find and replace old drain tiles and irrigation equipment that were located in Loading Area G and Corral Area H. This project included significant work done by myself and my crew, who dug by-hand channels and trenches to find the historic clay drain tiles. After locating the drain tiles, I hired KEN Construction to finish this work as well as make improvements to Corral Area H.
22. The goat corral labeled by the County as "Corral Area H" in the NOV is used for the veterinary care, sale, and transport of goats, which are all a critical part of our farm practices. Boer goats are the global standard for goat meat production. They are also horned, large and aggressive. An average male Boer goat weighs 250 pounds and stands 3 feet tall. If mishandled, a Boer goat can seriously injure a farmer or farm crew.
23. Corral Area H is the most important part of our farm operation. Prior to replacing our previous "corral" with the existing corral on the subject Property, we used a primitive makeshift corral in the same location. This makeshift corral was insufficient for the type, size, and number of goats we farm, and created safety risks for ourselves, our customers, and any professionals we needed to care for our goats.
24. Beginning in 2024, we began a multi-year project to replace the makeshift corral with a larger, more sophisticated corral for better safety for ourselves, our customers, and professionals providing care for our goats. In addition to building and installing new corral fencing, we hired KEN Construction Group to replace the old underground drain tiles and repair the

drainage ditches to allow Corral Area H to be usable year-round. This was necessary for both the care of our animals, who cannot stand in mud or wet waste for extended periods of time, but also to grade out the area to allow for proper drainage and to make it possible to load goats safely into the trucks or trailers used by our customers.

25. Corral Area H could not realistically exist in another location on Property and serve the needs of our business. Because it is a heavy traffic area (trucks and large goats) the Corral itself, but the ground underneath and around the Corral, requires constant maintenance. This maintenance includes the placing of fill material to fill in low spots to prevent pooling of water, waste, and to make it safe to load out goats.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this 9th day of September, 2026.

/s/ Scott Reed

Scott Reed





Resp. Ex. F





Resp. Ex. H.1.







Resp. Ex. H.4.





Resp. Ex. I.1.



thms Dance

Google Earth, 2005
Ex. D.12, Pg. 15
Bannister Creek

Resp. Ex. I.2.

Banni

Ex. D. 12, Pg. 16
Google Earth, 2006

BEFORE THE MULTNOMAH COUNTY HEARINGS OFFICER

MULTNOMAH COUNTY,

Plaintiff,

v.

SCOTT REED and STACY
REED,

Respondents.

Code Case File: CCPRI-2025-
0003

DECLARATION OF MATT
CYRUS

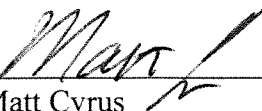
I, Matt Cyrus, declare:

1. I am a sixth generation Oregon farmer. Our farm operations are located in Deschutes County, Oregon.
2. I have owned and operated my own farm since 1981, raising grass hay for horse customers and beef cattle.
3. I attended Oregon State University and received a Bachelor of Science degree in Agricultural & Resource Economics.
4. I've been a member of the Deschutes County Planning Commission since 2021 and am currently the Chair of the Commission.
5. I have been the President of the Deschutes County Farm Bureau for over 30 years.
6. I have reviewed the Declaration of Scott Reed in this matter and have viewed the aerial photos of the subject property. I have not visited the property but have a good idea of each of the activities occurring on the property from my review of Mr. Reed's Declaration and the aerial photographs.
7. Mr. Reed's farm operation is not unique at all. His operation is completely consistent with a normal farm operation raising animals. A normal commercial farm operation will have a road network to enable access to each part of the farm. If a farmer can think of a quicker more efficient means of access to a part of their farm operation, they will build a road to that part of the farm.
8. In many cases, a farmer will purchase land with an existing road network. In those circumstances, it would make little sense for a farmer to change the location of the existing farm roads within the property, unless it was needed for a different type of farming.
9. With any type of farm raising animals, year-round access will be needed. In western Oregon, that is going to require a road network that can be used year-round. Farmers routinely use gravel to repair and maintain their roads, whether they raise crops or

- livestock. It would be unique for a farmer to attempt to construct and maintain a road network on a farm operation that doesn't involve the use of gravel or other materials to maintain year-round access. Tearing up farmland and turning your farm roads into unpassable mud bogs is not a reasonable farm practice.
10. Not all roads in a road network are frequently used. Many are, but some roads may be used infrequently, depending upon the farmer's need to access a certain area of the farm. What will appear to be a road in an aerial photograph can easily look like part of the pasture when the grass grows up in the road surface. That doesn't mean the road is not there – it simply means that it hasn't been used that year (yet).
 11. It is also very common for a farm operation to maintain farm structures like corrals to allow for the safe handling of their livestock by the farmer, farm workers, customers, and support, including veterinarians. An operation like Mr. Reed's that uses a corral as the primary location for the sale, care and transport of goats raised on the farm is going to need a means of safe and convenient access to that location for everyone involved, including customers, and providing a level area with year round access and an all-weather surface (pavement or gravel) served by year round roads, with adequate room to maneuver farm equipment and trucks used to transport livestock is critical to the farm operation and the goal of making a profit.
 12. There is also nothing unique about a loading area like the one on Mr. Reed's operation. Farmers frequently maintain areas on the farm where they store farm equipment, gravel for road maintenance, animal feed, and conduct other farm uses.
 13. I am aware that some of Mr. Reed's roads, his corral, and his loading area are within an area designated by the County as a sensitive streamside area and that the County wants Mr. Reed to apply for a permit to build a farm road. Having been involved in farming nearly my entire life and having been active in the Oregon Farm Bureau for decades, I've never heard of a county trying to make a farmer get a land use permit to build a farm road in a farm zone, build a safe area to sell livestock raised on the farm, or keep a loading area. In my opinion, this is ridiculous.
 14. There are farms throughout Oregon with farm roads and farm operations located adjacent to streams. There are a lot of streams in Oregon. If the state or a county told farmers they couldn't farm near a stream in a farm zone, there would be significant areas across Oregon that have been in farm use for decades that would no longer be able to be farmed.
 15. Mr. Reed's farm practices on his farm are both reasonable and prudent, and consistent with farm operations across Oregon. Every farm is different, but there is nothing that Mr. Reed does that isn't being done on farms across Oregon.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: September 9, 2026.

/s/ 
Matt Cyrus



**OREGON
DEPARTMENT OF
AGRICULTURE**

Protect. Promote. Prosper.

Resp. Ex. K

Agricultural Water Quality Program
635 Capital Street NE, Salem, OR 97301
(503) 986-4700 | Oregon.gov/ODA

December 2, 2025

Scott Reed
Springwood Acres LLC
12424 NW Springville Road
Portland, OR 97229

Dear Scott Reed:

Thank you for providing me photos on October 21, 2025, in response to a complaint about a potential water quality issue on your property at 12424 NW Springville Road, Portland. The photos provided showed that there are no water quality concerns related to the areas in the photos and the Department concludes that conditions on the property are in compliance with water quality requirements in the Tualatin River Subbasin Agricultural Water Quality Management Area (OAR 603-095-0140). Thank you for your efforts to protect water quality.

Enclosed is a copy of the Tualatin River Subbasin Agricultural Water Quality Management Area Rules for your reference. In summary, the rules require that waste, including sediment and manure, is prevented from impacting surface and groundwater. In addition, the rules require that agricultural activities allow vegetation to establish along streams that provides shade and streambank stability, and that filters surface runoff.

The Department appreciates your efforts to protect water quality. If you have any questions, please contact me at (503) 510-8214 or kevin.fenn@oda.oregon.gov.

Sincerely,

A handwritten signature in black ink that reads "Kevin Fenn".

Kevin Fenn, Water Quality Program Manager
Oregon Department of Agriculture
PH (503) 986-4700

enc: Tualatin River Subbasin Agricultural Water Quality Rules

Resp. Ex. L.1.

Driveway D



Ex. D.12, Pg. 21
Google Earth, 1990

Resp. Ex. L.2.

Driveway D



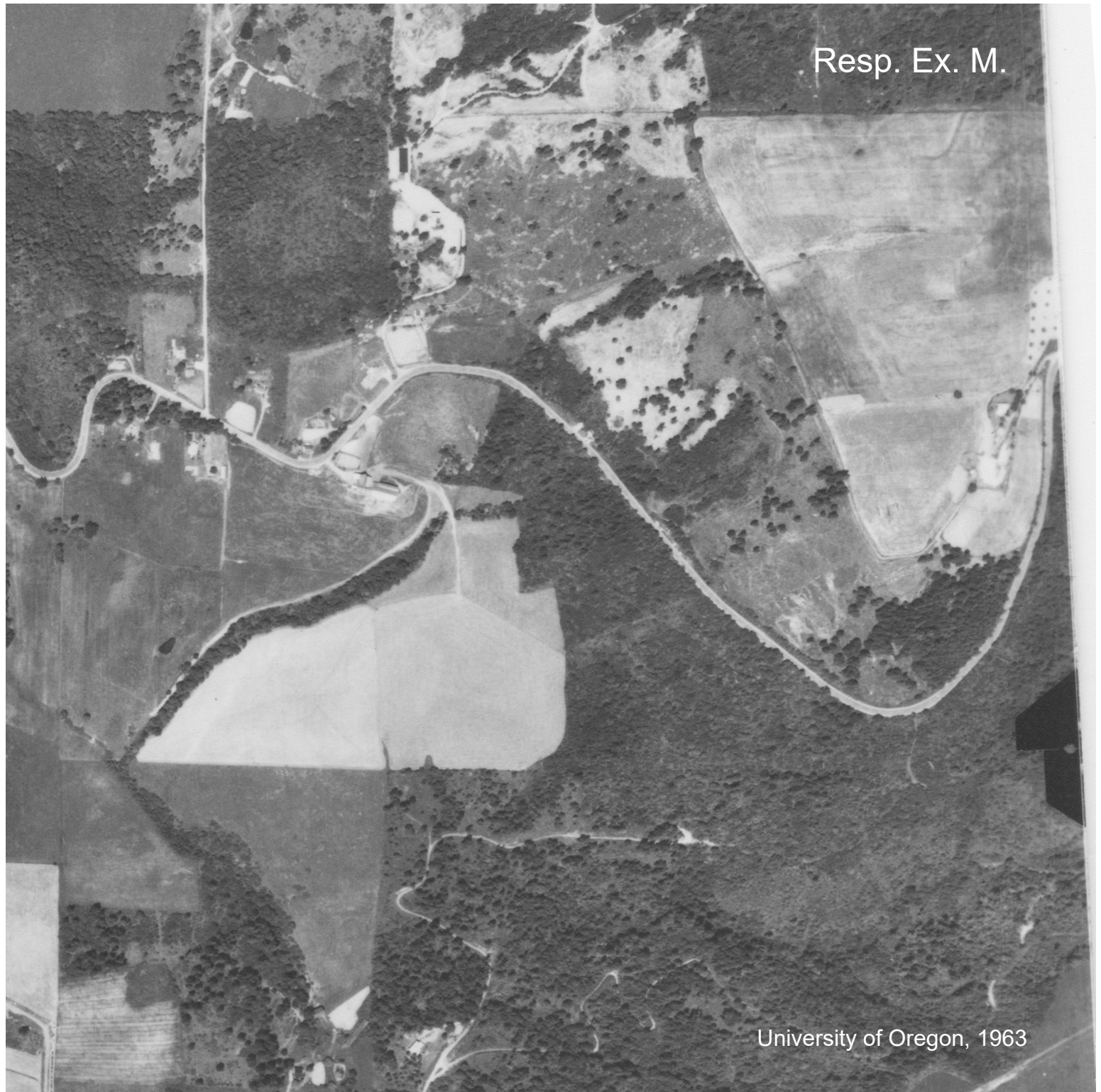
Resp. Ex. L.3.

Driveway D



Google Earth, 2011

Ex. D.12, Pg. 23



BEFORE THE MULTNOMAH COUNTY HEARINGS OFFICER

MULTNOMAH COUNTY,

Plaintiff,

v.

SCOTT REED and STACY
REED,

Respondents.

Code Case File: CCPRI-2025-
0003DECLARATION OF DAVID J.
HUNNICUTT

I, David J. Hunnicutt, declare:

1. I am an attorney for the Defendants in the above-captioned matter.
2. On or about September 3, 2026, I caused to be printed from the Multnomah County archives website (https://multco.access.preservica.com/uncategorized/IO_14aa6f48-a96c-4bdc-a4fb-f726610822eb/) a copy of Ordinance 1152, enacted January 7, 2010 by the Multnomah County Board of Commissioners.
3. Ordinance 1152 made several changes to the County's significant environmental concern (SEC) zoning overlays, including mapping new areas within the County's SEC-s streamside overlay zones.
4. Section 22 of the enacted ordinance reads as follows:

“The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Streams (SEC-s) overlay zone as shown on Exhibits A and B: 30, 39, 40, 49, 50, 51, 60, 61, 62, 72, 73, 77, 83, 85, 86, 651, 652, 655, 656, 667, 668, 671, 672, 674, and 683.”
5. Attached to the enacted ordinance and referenced in Section 22 is Exhibit A. Exhibit A is a map entitled “West Hills New Significant Environmental Concern for Streams (SEC-S) Overlays”.
6. The map attached to the enacted ordinance as Exhibit A depicts both existing areas within the West Hills portion of the County that are subject to the SEC-s overlay and new areas within the West Hills portion of the County that have become subject to the SEC-s overlay as a result of the passage of the enacted ordinance. According to the legend on the Exhibit A map, new areas being added to the SEC-s overlay are highlighted in pink on the map.
7. Attached to this Declaration is a copy of a portion of Exhibit A which I have caused to be enlarged from the Exhibit A map to isolate and show Respondents property and the area immediately surrounding it. I have highlighted Respondents property in yellow.
8. The enlarged portion of the Exhibit A map attached shows the addition of a pink area that corresponds to the area used by the County in the Notice of Violation and accompanying County Staff Report in this matter as the portion of Respondents property that is within the SEC-s overlay.

There is a small portion of the Respondents property in the southeast corner of the property shown in yellow on the Exhibit A map, meaning that portion of Respondents property was already designated as SEC-s overlay prior to the enactment of Ordinance 1152 in 2010. That area, however, is not within the SEC-s overlay areas where any of the areas A-H that are the subject of these proceedings are located.

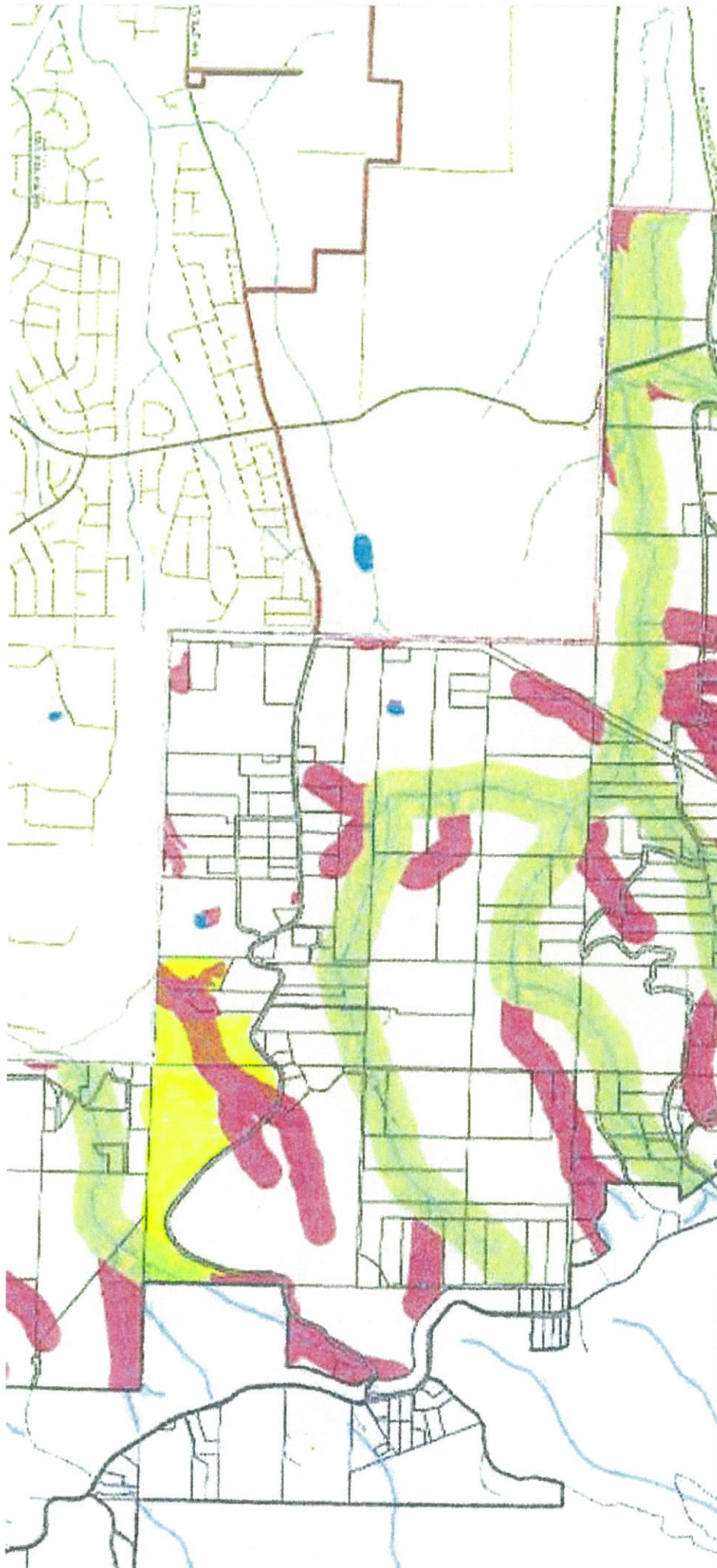
9. Each of the areas where the County alleges Respondents have acted without a ground disturbing permit required by MCC 39.6210 or a SEC-s permit required by MCC 39.5510 (Areas A-H) are located within the area first identified as SEC-s habitat (pink on the Exhibit A map) through the enactment of Ordinance 1152 in 2010, with the exception of "private driveway C" which is located in an area on the Respondents property that is not subject to the SEC-s overlay, as it existed prior to the enactment of Ordinance 1152 in 2010 or after the enactment of that ordinance.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated: September 9, 2026.

Isl 

David J. Hunnicutt



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1309

Amending MCC Chapters 29, 38 and 39 to Make Technical Corrections and Other Housekeeping Code Amendments.

(Language ~~stricken~~ is deleted; underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as “housekeeping amendments”). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this ordinance to the Board of County Commissioners. The Planning Commission made such recommendation through adoption of the resolution described below and pursuant to its authority in MCC 39.1645, 38.0340 and in ORS 215.110.
- b. Planning Commission Resolution No. PC 2020-13166 relates to technical corrections and similar “housekeeping” amendments to the Zoning Code to ensure, among other things, clarity and consistency in the Code.
- c. Code amendments include elimination of unnecessarily gendered terms, technical amendments involving code citation and numbering corrections, spelling corrections, and clarifying text.
- d. Amendments include corrections to code errors and omissions resulting from the 2018 code consolidation project.
- e. Amendments to the Code Compliance rules and Significant Environmental Concern rules to make it easier to make minor property improvements such as solar installations and heat pumps.
- f. Amendments include updates to reflect changes in the Oregon Revised Statutes, such as specifying that for the purposes of non-conforming uses, a use is not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.
- g. The Planning Commission held a public hearing on July 25, 2022, during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission’s hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. Individual notice under ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”) was not required because this ordinance will not amend any element of the county’s comprehensive plan, enact a new comprehensive plan, change any base zoning classification, or limit or prohibit any land use previously allowed in any affected zone.

- h. The Planning Commission's recommendation is sound and derives from the proper execution of its duties and authority. It is in the public interest to adopt this ordinance.

Multnomah County Ordains as Follows:

Section 1. MCC 29.105 is amended as follows:

§ 29.105 PLANS AND SPECIFICATIONS.

* * *

(D) Exception: The building official may waive the submission of plans, calculations or other data ~~if he finds upon finding~~ that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Section 2. MCC 29.573 is amended as follows:

§ 29.573 RULES FOR DRAINAGE FACILITIES.

* * *

(E) Construction details and inspection, including:

- (1) Materials;
- (2) ~~Manholes~~ Maintenance-holes;

* * *

Section 3. MCC 38.0030 is amended as follows:

§ 38.0030 EXISTING USES AND DISCONTINUED USES.

* * *

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

~~(1) Expansion of Existing Commercial and Multifamily Residential Uses: In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.~~

~~(2)~~ Conversion of Existing Industrial Uses in the General Management Area: In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC 38.0045. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

(32) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Areas may continue when:

* * *

Section 4. MCC 38.0045 is amended as follows:

§ 38.0045 REVIEW AND CONDITIONAL USE APPLICATIONS – SUBMITTAL REQUIREMENTS.

* * *

(C) The Planning Director may require some or all required application materials in (1) through (4) above to be submitted electronically.

Section 5. MCC 38.0320 is amended as follows:

§ 38.0320 OFFICERS AND STAFF.

(A) Each year ~~The the~~ Commission shall, ~~at or before its first meeting in April each year,~~ elect and install from among its members a chair and vice-chair. The Commission may elect and install from among its members a second vice-chair. If there is a vacancy in any officer position, the Commission shall fill such vacancy by appointing an officer at the first regular meeting following the vacancy.

* * *

Section 6. MCC 38.0560 is amended as follows:

§ 38.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
- (2) It is necessary to protect public safety; or
- (3) It is for work related to and within a valid easement over, on or under an affected property.

(4) It brings a non-conforming structure or non-conforming use into compliance with current regulations; or

(5) The Planning Director determines the development qualifies as a minor project. For purposes of this provision, a minor project is defined as small in scale, located outside a Flood Hazard zone or Geologic Hazard overlay, intended for the primary benefit of the residents, farm uses, or natural habitat on the subject property and will meet all other applicable zoning and building regulations. A minor project shall qualify under at least one of the following categories:

(a) Request for trade permits (such as electrical, mechanical and/or plumbing) that does not change the use of a structure or property; or

(b) Free standing renewable energy and heating systems including, but not limited to solar (including solar panels), geothermal and wind generated systems; or

(c) Roof mounted solar renewable energy (including solar panels) and solar heating systems not exceeding the size of a structure's roof area, or roof height; or

(d) Mechanical equipment such as heating and air conditioning units, heat pumps, ventilation and air filtration systems, electrical boxes, back-up power generators, energy storage systems, water pumps, and similar equipment; or

(e) Heating oil, propane and similar tanks; or

(f) Development requests to protect or enhance natural resources, such as but not limited to water quality or wildlife habitat.

* * *

Section 7. MCC 38.0685 is amended as follows:

§ 38.0685 EXPIRATION AND EXTENSION OF A TYPE I DECISION.

* * *

(F) Notwithstanding Subsections (A), (B), (C), (D) or (E) of this section, for uses in Chapter 38 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.

Section 8. MCC 38.0690 is amended as follows:

§ 38.0690 EXPIRATION OF A TYPE II OR TYPE III DECISION.

* * *

(H) Notwithstanding Subsections (A), (B), (C), (D), (E), (F) or (G) of this section, for uses in Chapter 38 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.

Section 9. MCC 38.0780 is amended as follows:

§ 38.0780 EX PARTE CONTACT, CONFLICT OF INTEREST AND BIAS.

* * *

(B) Conflict of Interest.

(1) Planning Commission. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the spouse, ~~brother, sister~~ sibling, child, parent, ~~father-in-law, mother~~ parent-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Planning Commission where the action is being taken.

* * *

Section 10. MCC 38.2025 is amended as follows:

§ 38.2025 REVIEW USES.

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) On lands designated GGF– 20 and GGF– 40, one single-family dwelling on a legally created and existing parcel upon enrollment in the state’s forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with MCC 38.7305 and MCC 38.7315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, ~~heirs-~~ beneficiaries and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF–40, GGF– 80, GGA– 20 and GGA– 40.

* * *

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(6) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

* * *

(f) A declaration is signed by the landowner and recorded into county deed records specifying that the owners, successors, ~~heirs~~ beneficiaries, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

* * *

Section 11. MCC 38.2225 is amended as follows:

§ 38.2225 REVIEW USES.

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(9) On lands designated GGA– 40, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places based on the criteria for use in evaluating the eligibility of cultural resources contained in the National Register Criteria for Evaluation (36 CFR Part 60.4), and it meets one or more of the following:

* * *

(c) The dwelling embodies the distinctive characteristics of a type, period, or method of construction, or represent the work of a ~~master~~ skilled craftsman, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

* * *

(11) On lands designated GGA– 40, a single family dwelling for an agricultural operator’s relative provided that:

(a) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator’s spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, ~~brother or sister or~~ sibling;

* * *

(c) The operation is a commercial enterprise as determined by MCC 38.2225 (A) ~~(5)-(8)~~ (c).

* * *

Section 12. MCC 38.2230 is amended as follows:

§ 38.2230 CONDITIONAL USES.

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and 38.7300.

* * *

(15) On lands designated GGA– 40, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:

* * *

Section 13. MCC 38.7035 is amended as follows:

§ 38.7035 GMA SCENIC REVIEW CRITERIA

* * *

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

* * *

(14) The following standards shall apply to new landscaping used to screen development from key viewing areas:

* * *

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. ~~Applicant.~~ The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

* * *

Section 14. MCC 38.7045 is amended as follows:

§ 38.7045 GMA CULTURAL RESOURCE REVIEW CRITERIA.

* * *

(G) If the Evaluation of Significance demonstrates that the affected cultural resources are not significant, the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1). In such circumstances, SHPO and the tribal governments are provided this copy for concurrence.

* * *

(2) The Planning Director shall find the cultural resources significant and require an Assessment of Effect if the Evaluation of Significance or comments received indicate either of the following:

(a) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for use in evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, ~~workmanship~~ artisanship, feeling, and association. In addition, they must meet one or more of the following criteria:

* * *

3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a ~~master-skilled craftsman~~, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

* * *

(H) An Assessment of Effect shall meet the following standards:

(1) The Assessment of Effect shall be based on the criteria published in Protection of Historic Properties (36 CFR Part 800.5) and shall incorporate the results of the Reconnaissance or Historic Survey and the Evaluation of Significance. All documentation shall follow the requirements listed in 36 CFR Part 800.11.

* * *

(b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, ~~workmanship~~ artisanship, feeling, or association [36 CFR Part 800.5]. Adverse effects on cultural resources include, but are not limited to:

* * *

Section 15. MCC 38.7320 is amended as follows:

§ 38.7320 TEMPORARY HEALTH HARDSHIP DWELLING.

* * *

(B) The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a temporary dwelling on a parcel in conjunction with a single-family dwelling allowed in the base zone based on the following findings:

(1) The person with the health hardship is either one of the property owners or is a relative of one of the property owners occupying the principal dwelling. For the purposes of this section a relative is defined as a grandparent, grandchild, parent, child, ~~brother or sister~~ sibling, ~~wife, husband~~ spouse, ~~brother-in-law, sister-sibling-in-law, son-in-law, daughter~~ child-in-law, ~~mother-in-law, father~~ parent-in-law, ~~aunt, uncle~~ sibling of a parent, ~~niece, nephew~~ child of a sibling, first cousin, step-parent, step-child, step-grandparent, or step-grandchild ~~either by blood or legal relationship~~.

Section 16. MCC 38.7380 is amended as follows:

§ 38.7380 SPECIAL USES IN HISTORIC BUILDINGS.

* * *

(F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

* * *

(4) Agricultural and Forest Lands.

* * *

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, ~~heirs~~ beneficiaries and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

* * *

Section 17. MCC 38.7705 is amended as follows:

§ 38.7705 DEFINITIONS.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

* * *

Person means a natural person, firm, partnership, association, social ~~or fraternal~~ organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

* * *

Section 18. MCC 38.8010 is amended as follows:

§ 38.8010 IMPROVEMENT AGREEMENT.

* * *

(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms

provided by the Engineer, guaranteeing the materials and ~~workmanship~~ quality in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and

* * *

Section 19. MCC 39 is amended as follows:

CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE

§§:

PART 1 – ADMINISTRATION, PROCEDURES, ENFORCEMENT, PERMITS AND FEES

PART 1.A - GENERAL PROVISIONS

39.1000-	Title
39.1005	Policy Purpose
39.1010	Severability
<u>39.1015</u>	<u>Zoning Map</u>

* * *

PART 1.B – PROCEDURES

* * *

<u>39.1223</u>	<u>Notice to Other Parties of Adopted Changes</u>
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* * *

<u>39.1250</u>	<u>Code Compliance and Applications</u>
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* * *

PART 1.C – VIOLATIONS, ENFORCEMENT AND FINES

* * *

39.1515	Code Compliance and Applications
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* * *

39.4645	Access
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PART 4.C.6 – ORIENT COMMERCIAL RESIDENTIAL-COMMERCIAL INDUSTRIAL (OCI)

39.4650-	Purpose
----------	---------

* * *

PART 8.E – ACCESSORY STRUCTURES BUILDINGS – CONDITION OF APPROVAL

39.8860- Condition of Approval – Accessory Buildings

* * *

Section 20. MCC 39.1015 is added as follows:

39.1015 ZONING MAP.

(A) The designations, locations and boundaries of the respective districts and certain combinations thereof described in this Chapter are established as shown by appropriate color designations, symbol or short title identification upon the Multnomah County Zoning Map. The Zoning Map consists of a series of bound and indexed Sectional Zoning Maps numbered sheets until such time as the districts and subdistricts depicted on each respective Sectional Zoning Map are replaced by maps generated as electronic layers within a Geographic Information System (GIS). All GIS generated Zoning Maps replacing the Sectional Zoning Maps shall be legislatively adopted. The GIS-generated Zoning Maps depicting districts and subdistricts shall be periodically readopted to reflect more accurate mapping information as it becomes available. The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Chapter as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Chapter, the written portion shall control.

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Planning Director.

(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board shall be deemed to be the accurate depiction of:

(a) The Zoning Maps first adopted for successive geographic areas from April 19, 1955 through December 11, 1958; and

(b) The Zoning Maps in effect from the date of first adoption through November 15, 1962.

(2) Unless clearly shown otherwise, a zoning district boundary that follows a public right-of-way shall be deemed to follow the centerline of the public right-of-way.

Section 21. MCC 39.1183 is amended as follows:

§ 39.1183 EXPIRATION AND EXTENSION OF TYPE I DECISIONS.

* * *

(E) Notwithstanding Subsections (A), (B), (C), or (D) of this section, for uses in Chapter 39 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.

Section 22. MCC 39.1185 is amended as follows:

§ 39.1185 EXPIRATION OF TYPE II OR TYPE III DECISIONS.

* * *

§ 39.1185(C)

(C) A Type II or III decision approving residential development on land zoned for Exclusive Farm Use or Commercial Forest Use outside of an urban growth boundary is subject to the following provisions:

* * *

(2) For the purposes of this section, the expiration provisions in (a) and (b) shall also apply to all other Type II or III decisions associated with approval of the residential development, such as SEC or GHP permits.

* * *

(G) Notwithstanding Subsections (A), (B), (C), (D), (E), or (F) of this section, for uses in Chapter 39 with different specified timelines contained in their approval criteria, those codes shall govern over these provisions.

Section 23. MCC 39.1215 is amended as follows:

§ 39.1215 NOTICE OF LEGISLATIVE HEARINGS.

(A) Notice of the date, time, place and subject of a legislative hearing before the Planning Commission shall be published in a newspaper of general circulation within the County at least ~~20~~ 10 days prior to the hearing and as required by law. The Planning Director shall also notify the Oregon Department of Land Conservation and Development (DLCD) 35 days prior to the initial public hearing or as required by law.

* * *

Section 24. MCC 39.1223 is added as follows:

§ 39.1223 NOTICE TO OTHER PARTIES OF ADOPTED CHANGES.

(A) On the same day notice of an adopted change to the Comprehensive Plan or land use regulation(s) is submitted to DLCD notice shall also mail or otherwise deliver notice of the decision to persons that:

(1) Participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or the land use regulation; and

(2) Requested in writing to be provided with notice of the change to the Comprehensive Plan or the land use regulation.

(B) The notice to persons who participated and requested notice as required by subsection (A) above must:

(1) Clearly describe the decision;

(2) State the date of the decision;

(3) Indicate how and where the materials described in OAR 660-018-0040(3) may be obtained;

(4) Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;

(5) List the locations and times at which the public may review the decision and findings; and

(6) Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.

Section 25. MCC 39.1250 is added as follows:

PART 1.B – PROCEDURES

* * *

§ 39.1250 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit or zoning review approval of development or any other approvals authorized by this code for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property; or

(4) It brings a non-conforming structure or non-conforming use into compliance with current regulations; or

(5) The Planning Director determines the development qualifies as a minor project. For purposes of this provision, a minor project is defined as small in scale, located outside a Flood Hazard zone or Geologic Hazard overlay, intended for the primary benefit of the residents, farm uses, or natural habitat on the subject property and will meet all other applicable zoning and building regulations. A minor project shall qualify under at least one of the following categories:

(a) Request for trade permits (such as electrical, mechanical and/or plumbing) that does not change the use of a structure or property; or

(b) Accessory structure(s) with an individual footprint(s) up to 200 square feet. This includes a structural addition(s) or modification(s); or

(c) Free standing renewable energy and heating systems up to 400 square feet ground coverage including, but not limited to solar (including solar panels), geothermal and wind generated systems; or

(d) Roof mounted solar renewable energy (including solar panels) and solar heating systems not exceeding the size of a structure's roof area, or roof height; or

(e) Mechanical equipment such as heating and air conditioning units, heat pumps, ventilation and air filtration systems, electrical boxes, back-up power generators, energy storage systems, water pumps, and similar equipment; or

(f) Heating oil, propane and similar tanks; or

(g) Development requests to protect or enhance natural resources, such as but not limited to water quality or wildlife habitat.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Section 26. MCC 39.1515 is removed as follows:

1.C – VIOLATIONS, ENFORCEMENT AND FINES

* * *

~~§ 39.1515 CODE COMPLIANCE AND APPLICATIONS.~~

~~Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.~~

~~(A) A permit or other approval, including building permit applications, may be authorized if:~~

~~(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or~~

~~(2) It is necessary to protect public safety; or~~

~~(3) It is for work related to and within a valid easement over, on or under an affected property.~~

~~(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.~~

Section 27. MCC 39.1620 is amended as follows:

§ 39.1620 OFFICERS AND STAFF.

(A) ~~Each year~~ The the Commission shall, ~~at or before its first meeting in April each year,~~ elect and install from among its members a chair and vice-chair. The Commission may elect and install from among its members a second vice-chair. If there is a vacancy in any officer position, the Commission shall fill such vacancy by appointing an officer at the first regular meeting following the vacancy.

* * *

Section 28. MCC 39.2000 is amended as follows:

§ 39.2000 DEFINITIONS.

Archeological Resource – A district, site, building, structure or artifact which possesses material evidence of life and culture of the ~~prehistoric~~ pre-contact and historic past.

* * *

Community – Any State or area or political subdivision thereof, or any ~~Indian tribe~~ tribal government or authorized tribal organization which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

* * *

Educational Institution – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including ~~fraternity and sorority houses~~ collegiate residences, excluding elementary and high schools, and trade and commercial schools.

* * *

Fill – The deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking materials such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling. For the purposes of this code, fill does not include materials included in a design by a registered professional engineer to physically support and/or protect a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code.

* * *

Large Fill – The cumulative deposit of more than 5,000 cubic yards of fill to a site within the 20-year period preceding the date of an application for a Large Fill permit and including the fill proposed in the Large Fill permit application. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this definition, the term site shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area. For purposes of this definition, the phrase same ownership shall refer to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this definition, the seller of a property by sales contract shall be considered to not have possessory interest.

* * *

Person means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

* * *

Section 29. MCC 39.3005 is amended as follows:

§ 39.3005- LOT OF RECORD – GENERALLY.

* * *

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a1) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b2) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

~~1-(a)~~ By a subdivision plat under the applicable subdivision requirements in effect at the time; or

~~2-(b)~~ By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

~~3-(c)~~ By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or

~~4-(d)~~ By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

~~5-(e)~~ “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

~~(e3)~~ Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

~~1-(a)~~ Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

~~2-(b)~~ An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

Section 30. MCC 39.4095 is amended as follows:

§ 39.4095 HERITAGE TRACT DWELLINGS STANDARDS.

(A) A heritage tract dwelling may be sited, subject to the following:

(1) On a tract:

* * *

(f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, the tract was acquired and owned continuously by the present owner:

* * *

3. For purposes of this subsection, “owner” includes ~~the spouses in a marriage, son, daughter~~ child, child-in-law, parent, ~~brother, brother-in-law, sister, sister-in-law~~ sibling, sibling-in-law, son-in-law, daughter-in-law, parent-in-law, ~~aunt, uncle~~ sibling of a parent, niece, nephew child of a sibling,

stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

* * *

Section 31. MCC 39.4115 is amended as follows:

§ 39.4115 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES.

All dwellings and structures shall comply with the approval criteria in (B) through ~~(D)~~(E) below except as provided in (A). All exterior lighting shall comply with MCC 39.6850:

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

(1) Expansion of existing dwelling shall meet the development standards of MCC 39.4115(E).

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: ~~Not subject to~~ shall meet the development standards of MCC 39.4115(E);

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 39.4115(C) and (E);

(2) Replacement or restoration of a dwelling shall meet the development standards of MCC 39.4115(E).

(a) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling and includes less than 400 square feet of additional ground coverage: ~~Not s~~Subject to the development standards of MCC 39.4115(E);

(b) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 39.4115(C) and (E);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 39.4115(C) and (E).

(3) Accessory buildings shall meet the development standards of MCC 39.4115(E).

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 39.4115(C) and (E);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B) and (C) and (E);

(4) Temporary dwellings shall meet the development standards of MCC 39.4115(E).

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: ~~Not subject to~~ shall meet the development standards of MCC 39.4115(E);

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B)-and, (C) and (E);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: ~~Not subject to~~ shall meet the development standards of MCC 39.4115(E);

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 39.4115(B)-and, (C) and (E);

* * *

(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Section 32. MCC 39.4155 is amended as follows:

§ 39.4155 EXCEPTIONS TO SECONDARY FIRE SAFETY ZONES.

* * *

(B) Exceptions to secondary fire safety zones shall only be granted upon satisfaction of the following standards:

* * *

(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of subsection (B) (2) above are utilized. ~~Exception:~~ Expansions of existing single family dwellings as allowed by MCC 39.4075(A) shall not be required to meet this standard, but shall satisfy the standard of MCC 39.4115(C)(3) and (E).

* * *

Section 33. MCC 39.4265 is amended as follows:

§ 39.4265 STANDARDS FOR SPECIFIED FARM DWELLINGS.

(A) Farm Help Dwelling: A farm help dwelling for a relative on real property used for farm use as provided in MCC 39.4225(B) is not allowed unless the dwelling is:

* * *

(2) Occupied by a relative of the farm operator or the farm operator's spouse, if the farm operator does or will require the assistance of the relative in the management of the farm use. Qualifying relatives include, the spouses ~~in a marriage~~, ~~son~~, ~~daughter~~ child, parent, ~~brother~~ sibling, ~~brother-in-law~~, ~~sister~~, ~~sister-in-law~~ sibling-in-law, ~~son-in-law~~, ~~daughter-in-law~~ child-in-law, parent-in-law, ~~aunt~~, ~~uncle~~ sibling of a parent, ~~niece~~, ~~nephew~~ child of a sibling, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

* * *

(D) Heritage Tract Dwelling: Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land not identified as high value farmland when:

* * *

(8) For purposes of this subsection, and of dwellings considered under MCC 39.4230 (L) and (M), the following definitions apply:

(a) Owner includes the ~~wife~~, ~~husband~~ spouse, ~~son~~, ~~daughter~~ child, ~~mother~~, ~~father~~ parent, ~~brother~~ sibling, ~~brother-in-law~~ sibling-in-law, ~~sister~~, ~~sister-in-law~~, ~~son-in-law~~, ~~daughter-in-law~~ child-in-law, ~~mother-in-law~~, ~~father-in-law~~ parent-in-law, ~~aunt~~, ~~uncle~~ sibling of a parent, ~~nephew~~ child of a sibling, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

* * *

Section 34. MCC 39.4325 is amended as follows:

§ 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

* * *

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

* * *

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

* * *

Section 35. MCC 39.4701 is amended as follows:

§ 39.4701 AREA AFFECTED.

MCC 39.4700 through MCC 39.4732 shall apply to those lands designated ~~MUF-38~~ and MUF-19 on the Multnomah County Zoning Map.

Section 36. MCC 39.4717 is amended as follows:

§ 39.4717 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

(A) Except as provided in MCC 39.3150, 39.4720, 39.4722 and 39.5300 through 39.5350, the minimum lot size in the MUF-19 zone shall be according to the base zone designation on the Zoning Map, as follows: ~~MUF-38.....38 acres~~ ~~MUF-19.....19 acres.~~

* * *

Section 37. MCC 39.4764 is amended as follows:

§ 39.4764 USES PERMITTED UNDER PRESCRIBED CONDITIONS.

* * *

(F) Uses and structures customarily accessory or incidental to a permitted or approved use, including living quarters for a caretaker or ~~watchman~~ watchperson and a railroad right-of-way, trackage and related equipment;

* * *

Section 38. MCC 39.4820 is amended as follows:

§ 39.4820 USES.

Except as otherwise provided in this Chapter, no building, structure or land shall be used and no building or structure shall be hereafter ~~no building, structure or land shall be used and no building or structure shall occur or be hereafter~~ erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4822 through 39.4826 provided such uses occur on a Lot of Record.

Section 39. MCC 39.4955 is amended as follows:

§ 39.4955 AMBULANCE SERVICE SUBSTATION AS A USE UNDER PRESCRIBED CONDITIONS

* * *

(E) The use is subject to the Design Review requirements of MCC 39.8000 through 39.8050. The Preliminary Design Review Plan shall incorporate the following features:

* * *

~~(6) Exterior lighting shall not be cast or reflected onto adjoining properties developed with or designated for residential use~~ All exterior lighting shall comply with MCC 39.6850;

* * *

Section 40. MCC 39.5085 is amended as follows:

§ 39.5085 GEOLOGIC HAZARDS PERMIT APPLICATION INFORMATION REQUIRED.

* * *

(B) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required for fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

* * *

Section 41. MCC 39.5090 is amended as follows:

§ 39.5090 GEOLOGIC HAZARDS PERMIT STANDARDS.

A Geologic Hazards (GH) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(A) The total cumulative deposit of fill on the site for the 20-year period preceding the date of the application for the GH permit, and including the fill proposed in the GH permit application, shall not exceed 5,000 cubic yards. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this provision, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

* * *

Section 42. MCC 39.5110 is amended as follows:

§ 39.5110 STANDARDS TO ESTABLISH AN HP OVERLAY.

(A) An amendment establishing an HP overlay shall include the following:

(l) The designation of the overlay as HP-1, HP-2, HP-3, etc., in the text and on the appropriate Sectional Zoning Map;

* * *

Section 43. MCC 39.5415 is amended as follows:

§ 39.5415 DEFINITIONS.

* * *

Restrictive Covenant – An enforceable promise, given by the owner of a parcel whose use and enjoyment of that parcel may be restricted in some fashion by mining occurring on another parcel, not to object to the terms of a permit issued by a local government, state agency or federal agency. The restrictive covenant shall be recorded in the real property records of the county, shall run with the land, and is binding upon the heirs beneficiaries and successors of the parties. The covenant shall state that obligations imposed by the covenant shall be released when the site has been mined and reclamation has been completed.

* * *

Section 44. MCC 39.5505 is amended as follows:

§ 39.5505 AREA AFFECTED.

(A) Except as otherwise provided in MCC 39.5510 or MCC 39.5515, the SEC shall apply to those lands designated SEC on the Multnomah County Zoning Map consisting of the following resource area designations:

Resource Area <u>Zoning Overlay</u> Designation
<u>SEC: Significant Environmental Concern Area</u>
SEC-sw: Scenic Waterway Resource Area
SEC-v: Scenic Views Resource Area
SEC-w: Wetlands Resource Area
SEC-s: Streams Resource Area
SEC-wr: Water Resource Area)
SEC-h: Wildlife Habitat Resource Area

* * *

Section 45. MCC 39.5510 is amended as follows:

§ 39.5510 USES; SEC PERMIT REQUIRED.

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and design of any use, or change or alteration of a use ~~and~~, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

(B) Any excavation or any removal of materials of archaeological, historical, ~~prehistorical~~ pre-contact or

anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

Section 46. MCC 39.5515 is amended as follows:

§ 39.5515 EXCEPTIONS.

(A) Except as provided in subsection (B) of this Section, an SEC permit shall not be required for the following:

(1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas. This exception does not apply to buildings and other development associated with farm practices and agricultural uses in the West of Sandy River Planning Area.

(2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act.

(3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6).

(4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public.

(5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands.

(6) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations.

(7) The maintenance and repair of existing flood control facilities.

(8) Change, alteration, or expansion of a lawfully established use or structure ~~lawfully established on or before November 17, 1994, or lawfully established within the Sauvie Island Multnomah Channel Planning Area on or before January 7, 2010~~ provided that:

(a) Within the SEC, SEC-sw, and SEC-v, there is no change to, or alteration, or expansion of, the exterior of the structure;

(b) Within the SEC-h and SEC-s, there is no change to, or alteration or expansion of, the structure's or a driveway's ground coverage in excess of 400 square feet. With respect to expansion, this exception does not apply on a project-by-project basis, but rather applies on a cumulative basis to all expansions occurring after the date above; and

~~(c) Within the SEC-h, there is no change to, or alteration or expansion of, a driveway in excess of 400 square feet.~~

(9) Type A Home Occupation.

(10) Type B or Type C Home Occupation ~~that requires including~~ the addition of less than 400 square feet of ground coverage to the structure used for the Home Occupation.

(11) Alteration, repair, or replacement of septic system tanks, lines and drainfields and related components due to system failure.

(12) ~~Single-u~~Utility poles necessary to provide service to the local area.

(13) Right-of-way widening, ~~and new surfacing, and vegetation removal~~ for existing rights-of-way when the additional right-of-way, ~~or surfacing, or vegetation removal~~ is deemed necessary by the County Engineer to ensure continuous width meet the needs of the traveling public.

(14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List.

(15) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.

(16) ~~In the SEC, all SEC designations,~~ a solar energy system, including solar thermal and photovoltaic, that is installed on an existing building, provided that:

(a) The installation of the solar energy system can be accomplished without increasing the footprint of the residential or commercial structure or the peak height of the portion of the roof on which the system is installed;

(b) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof; and

(c) The external surfaces of the solar energy system are designated as anti-reflective or have a reflectivity rating of eleven percent or less.

(17) One free standing renewable energy and heating system up to 400 square feet of ground coverage including but not limited to solar (including solar panels), geothermal and wind generated systems, provided any conduit through SEC-s or SEC-w areas is provided by directional boring.

~~(17)~~ Routine repair and maintenance of structures, roadways, driveways, utility facilities, and landscaped areas that were in existence prior to November 30, 2000.

~~(18)~~ Response to emergencies pursuant to the provisions of MCC 39.6900 (Responses to and Emergency/Disaster Event), provided that after the emergency has passed, adverse impacts are mitigated, provided a Post Emergency Response permit is obtained and any mitigation work completed.

(20) Signs listed in MCC 39.6720 (A) through (F), MCC 39.6805 (Directional Signs), and MCC 39.6810 (Temporary Signs).

(21) Flag poles no taller than 35 feet above existing or finished grade (whichever is lower) designed to display national, state, or local recognized jurisdiction flags pursuant to the United States Flag Code or laws regulating the proper display of jurisdiction flags.

(22) Heating oil, propane and similar tanks up to 1,000 gallon capacity placed within 100 feet of a lawfully existing structure provided any pipes crossing through SEC-s or SEC-w areas are provided by directional boring.

(23) Mechanical equipment such as heating and air conditioning units, heat pumps, ventilation and air filtration systems, electrical boxes, back-up power generators and energy storage systems, water pumps, and similar equipment placed within 100 feet of a lawfully existing structure, provided any pipes or conduit crossing through SEC-s or SEC-w areas are provided by directional boring.

(24) The placement of utility infrastructure such as pipes, conduits and wires within an existing right-of-way.

(25) In the West of Sandy River Planning Area the uses and structures excepted in MCC 39.5550 (B) (1), (2), and (3).

(26) Within the SEC-v:

(a) Any modification or alteration to an existing exterior wall of a lawfully established structure that will be 100% screened from all IVAs by the structure itself.

(b) Placement of antennas and satellite dishes on an existing lawfully established structure.

(c) Concrete slabs, parking areas, and similar low profile structures no taller than 36 inches above initial grade.

* * *

Section 47. MCC 39.5520 is amended as follows:

§ 39.5520 APPLICATION FOR SEC PERMIT.

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.

(A) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Proposed fill, grading, site contouring or other landform changes;

(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) Location and width of existing and proposed roads, driveways, and service corridors.

(g) In the SEC-wr overlay, the location of natural drainageways, springs, seeps, and wetlands on the site.

(3) The Planning Director may also require the applicant to provide the following:

(a) The location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(b) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation;

(B) SEC-Water Resource: In addition to the information requirements listed in MCC 39.5520(A) above, the following information shall be submitted for applications within the SEC-wr overlay.

(1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a delineation of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;

(2) The location of wetlands;

(3) Information for the site from the adopted West of Sandy River Wildlife Habitat and Stream Corridor ESEE Report, the County Goal 5 Inventory;

(4) Preparation of plans and surveys - Inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual. Required reports include;

(a) An assessment of the existing condition of the Water Resource Area in accordance with MCC 39.5580 Table 2, Riparian/Vegetated Corridor Standards;

(b) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in MCC 39.5580 Table 1;

(c) A detailed Mitigation Plan as described in 39.5800 (F), if required;

(5) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;

(6) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH);

(7) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods.

Section 48. MCC 39.5525 is amended as follows:

§ 39.5525 APPLICABLE APPROVAL CRITERIA.

(A) The approval criteria that apply to uses in areas designated SEC, SEC-sw, SEC-v, SEC-w, SEC-s, SEC-wr, SEC-h on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

<u>Zoning Overlay Designation</u>	<u>Approval Criteria (MCC#)</u>
<u>SEC</u>	<u>39.5540</u>
SEC-sw (scenic waterway)	39.5600
SEC-v (scenic views)	39.5650
SEC-w (wetlands)	39.5700
SEC-s (streams)	39.5750
SEC-wr (water resource)	39.5560 and 39.5800
SEC-h (wildlife habitat)	Type I Permit – 39.5850 Type II Permit – 39.5560 and 39.5860

* * *

Section 49. MCC 39.5540 is amended as follows:

§ 39.5540 CRITERIA FOR APPROVAL OF SEC PERMIT.

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County ~~sectional~~ zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

* * *

Section 50. MCC 39.5545 is amended as follows:

§ 39.5545 DEFINITIONS.

Development: Any human-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in the Water Resource Area or Habitat Area on a lot or parcel.

* * *

Section 51. MCC 39.5650 is amended as follows:

§ 39.5650 CRITERIA FOR APPROVAL OF SEC-V PERMIT - SIGNIFICANT SCENIC VIEWS.

(A) For purposes of this Section, the following terms and their derivations shall have the meanings provided below:

(1) Significant Scenic Resources – Those areas designated SEC-v on Multnomah County sectional ~~z~~Zoning mMaps.

* * *

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

(3) ~~No exterior lighting, or Exterior lighting that is directed downward and sited, hooded and shielded so~~ that it is not highly visible from identified viewing areas and meets the Dark Sky Lighting Standards of MCC 39.6850. Shielding and hooding materials should be composed of nonreflective, opaque materials.

* * *

Section 52. MCC 39.5800 is amended as follows:

§ 39.5800- CRITERIA FOR APPROVAL OF SEC-WR PERMIT –WATER RESOURCE

(A) Except for the exempt uses listed in MCC 39.5515 and the existing uses pursuant to MCC 39.5550, no development shall be allowed within a Water Resource Area unless the provisions of subsections (B) or (C) or (D) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC 39.5520(A) and ~~(C)~~, and meets the general requirements in MCC 39.5560.

* * *

(D) Buffer Averaging - Development may be allowed to encroach into the 200' SEC-wr overlay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.

(1) Site assessment information pursuant to MCC 39.5520(A) and (EB) has been submitted.

* * *

Section 53. MCC 39.6210 is amended as follows:

§ 39.6210 PERMITS REQUIRED.

(A) Unless exempt under this Code, whether under MCC 39.6215, 39.5080, 38.5510 or otherwise, no ground disturbing activity shall occur except pursuant to one of the following permits: a Minimal Impact Project (MIP) permit, an Erosion and Sediment Control permit (ESC), an Agricultural Fill permit (AF), a Geologic Hazards permit (GH), or a Large Fill permit (LF).

* * *

(F) Implementation.

* * *

(2) Inspection and enforcement. The director may take steps to ensure compliance with the requirements of ~~Part 6, Geologic Hazards permit requirements, and Large Fill permit requirements~~ any permit listed in subsection (A) and 39.6235, including but not limited to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site. The requirements of this subpart of MCC Chapter 39 shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the permit, work may be stopped until appropriate correction measures are completed.

* * *

Section 54. MCC 39.6225 is amended as follows:

§ 39.6225 EROSION AND SEDIMENT CONTROL PERMIT.

(A) An application for an Erosion and Sediment Control permit shall include two copies of each of the following:

* * *

(2) Calculations of the total area of proposed ground disturbance (square feet), volume of proposed cut (cubic yards) and fill (cubic yards), total volume of fill that has been deposited on the site over the 20-year period preceding the date of application, and existing and proposed slopes in areas to be disturbed (percent slope). Such calculations are not required for fill physically supporting and/or protecting a

structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code. For purposes of this subsection, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area;

(3) A written description of the ground disturbing activity and any associated development, including:

* * *

(24) Surcharges to sanitary drainfields have been reviewed by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems; and

(35) Any new discharges into public right-of-ways have complied with the governing agencies discharge review process;

(46) Written findings, together with any supplemental plans, maps, reports, or other information necessary to demonstrate compliance of the proposal with all applicable provisions of the Multnomah County code including Erosion and Sediment Control permit standards in subsection (B). Necessary reports, certifications, or plans may pertain to: engineering, soil characteristics, stormwater drainage control, stream protection, erosion and sediment control, and replanting.

(57) Approval of any new stormwater surcharges to sanitary drainfields by the City of Portland Sanitarian and any other agency having authority over the matter; and

(68) Approval of any new stormwater discharges into public right-of-ways by each governing agency having authority over the matter.

(B) An Erosion and Sediment Control (ESC) permit shall not be issued unless the application for such permit establishes compliance with MCC 39.6210 and satisfaction of the following standards:

(1) The total cumulative deposit of fill, excluding agricultural fill pursuant to an Agricultural Fill permit, on the site for the 20-year period preceding the date of the ESC permit application, and including the fill proposed in the ESC permit application, shall not exceed 5,000 cubic yards. Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code is not included in this 5,000 cubic yard calculation. For purposes of this section, the term “site” shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area.

* * *

Section 55. MCC 39.6590 is amended as follows:

§ 39.6590 MINIMUM REQUIRED OFFSTREET PARKING SPACES.

(A) The following Residential Uses shall have at least the number of off-street parking spaces indicated:

* * *

(4) Rooming ~~house or Boarding House~~, boarding house, or ~~Fraternity-collegiate residence~~ - Two spaces plus one space for each three guest rooms.

* * *

Section 56. MCC 39.6725 is amended as follows:

§ 39.6725 PROHIBITED SIGNS.

The following signs are prohibited and shall be removed:

(A) Strobe lights and signs containing strobe lights which are visible beyond the property lines;

(B) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Subpart;

(C) Abandoned signs;

(D) Balloon signs; and

(E) Signs in the right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.

(F) Electronic message centers;

(G) Flashing signs;

(H) Rotating signs;

(I) Signs with moving parts;

Section 57. MCC 39.6745 is amended as follows:

§ 39.6745 SIGNS GENERALLY.

* * *

(C) Sign Features. Permanent signs may ~~have the following features:~~

~~(1) Signs may be indirectly illuminated downward onto the sign face.~~

~~(2) Electronic message centers are not allowed.~~

~~(3) Flashing signs are not allowed.~~

~~(4) Rotating signs are not allowed.~~

(5) Moving parts are not allowed.

* * *

Section 58. MCC 39.6805 is amended as follows:

§ 39.6805 DIRECTIONAL SIGNS.

Directional signs shall comply with the following provisions:

Maximum Sign Face Area:	Six Square Feet
Types of Signs Allowed:	Free Standing, Fascia, Projecting, Painted Wall
Maximum Height:	Free Standing 42 Inches Fascia and Projecting 8 Feet
Extensions into R/W:	Not Allowed
Lighting:	Indirectly illuminated downward onto the sign face
Maximum Sign Face Area:	Six Square Feet
Flashing Lights:	Not Allowed
Electronic Message Centers:	Not Allowed
Moving or Rotating Parts:	Not Allowed

Section 59. MCC 39.6850 is amended as follows:

§ 39.6850 DARK SKY LIGHTING STANDARDS.

* * *

(B) The following exterior lighting is exempt from the requirements of paragraph (C) of this section:

* * *

(7) Lighting in support of work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in

response to emergencies pursuant to the provisions of MCC ~~35.0535~~ 39.6900, provided that after the emergency has passed, all lighting to remain is subject to the requirements of this section.

* * *

Section 60. MCC 39.7015 is amended as follows:

§ 39.7015 CONDITIONAL USE APPROVAL CRITERIA.

(A) A Conditional Use shall be governed by the approval criteria listed in the base zone 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:

* * *

(8) ~~The For uses in the West of Sandy River Planning Area, the~~ use is limited in type and scale to primarily serve the needs of the rural area.

* * *

Section 61. MCC 39.7207 is amended as follows:

§ 39.7207 EXEMPTIONS.

Ground disturbing activity occurring in association with the following uses is exempt from the Large Fill permit requirements:

(A) Fill associated with a State or County owned and maintained road or bridge that is designated as a Rural Collector or a Rural Arterial on the Multnomah County Functional Classification of Trafficways map. The Trafficways map is part of the County Transportation System Plan.

(B) Agricultural fill authorized under an Agricultural Fill permit. Agricultural fill proposed in the Geological Hazards overlay is not eligible for this exemption.

(C) Fill physically supporting and/or protecting a structure or access road for essential and public facilities subject to earthquake or tsunami building code requirements of the Oregon Structural Specialty Code.

Section 62. MCC 39.7405 is amended as follows:

§ 39.7405 CRITERIA FOR APPROVAL.

* * *

(E) The business operator shall be the person who applies for a Type C Home Occupation or a Home Based Business and who will hold a majority ownership interest in the business. The business operator

shall live full-time in the registered dwelling unit on the property and is the person responsible for strategic decisions and day-to-day operations of the business.

Section 63. MCC 39.7520 is amended as follows:

§ 39.7520 USES.

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority.

* * *

(7) Private club, ~~fraternal-social~~ organization, lodge.

* * *

Section 64. MCC 39.7525 is amended as follows:

§ 39.7525 RESTRICTIONS.

A building or use approved under MCC 39.7520 through 39.7650 shall meet the following requirements:

(A) Minimum yards in EFU, CFU (Note – not applicable to CFU-1 through CFU-5), MUA-20, RR, BRC, OCI, OR and PH-RC, UF-20, LR10, UF-20, MUF, SRC, and RC Base base zones:

* * *

(F) In the MUA-20, RR, and BRC, SRC and RC base zones, the length of stay by a person or vehicle in a camp, campground, campsite or recreational vehicle park shall not exceed a total of 90 days during any consecutive 12 month period by an individual, group or family unless otherwise provided in State law. This provision is not applicable in the West of Sandy River Planning Area or Urban Planning Area.

(G) Other minimum yards, restrictions or limitations of use or development not required under this subsection shall be as provided in the base zone.

Section 65. MCC 39.7565 is amended as follows:

§ 39.7565 APPROVAL CRITERIA FOR NEW TRANSMISSION TOWERS.

New transmission towers base zone permitted under MCC 39.7520 (A) (8) (a) or (b) may be allowed, based on findings by the approval authority that the following criteria are met.

* * *

(I) Site size and tower setbacks:

* * *

(3) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site described in ~~MCC 36.6110 (C) (4)~~ 39.7560 (C) (4) will not lead to multiple failures in the event that one fails.

* * *

Section 66. MCC 39.7705 is amended as follows:

§ 39.7705 APPLICABILITY.

(A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.

(B) The requirements of ~~36.6175~~ 39.7700 through ~~36.6188~~ 39.7765 shall apply to all new wireless communications facilities (WCFs).

Section 67. MCC 39.7740 is amended as follows:

§ 39.7740 APPROVAL CRITERIA FOR LANDS NOT ZONED EXCLUSIVE FARM USE.

(A) General and Operating Requirements

* * *

(4) Environmental Resource Protection.

All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:

(a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, ~~prehistorical~~ pre-contact or anthropological nature;

* * *

Section 68. MCC 39.8020 is amended as follows:

§ 39.8020 APPLICATION OF REGULATIONS.

(A) Except those exempted by MCC 39.8015, the provisions of MCC 39.8000 through 39.8050 shall apply to all conditional and community service uses, and to specified uses, in any base zone.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 39.6590 shall only be subject to the following Design Review approval criteria: MCC ~~36.8040~~ 39.8040 (A)(1)(a) and (1)(c), and (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.

(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 39.8040 and 39.8045.

(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 39.8040 and 39.8045.

(E) In the urban bases zones the provisions of MCC 39.8000 through 39.8050 shall apply to the following:

~~(E) A multiplex, garden apartment or apartment dwelling or structure.~~

~~(F) A boarding, lodging or rooming house.~~

(G1) A hotel or motel.

(H2) A business or professional office or clinic.

(I3) A use listed in any commercial base zone.

(J4) A use listed in any manufacturing base zone.

Section 69. MCC 39.8040 is amended as follows:

§ 39.8040 DESIGN REVIEW CRITERIA.

(A) Approval of a final design review plan shall be based on the following criteria:

(l) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

(b) The elements of the design review plan should promote energy conservation and provide protection from adverse ~~elimatie~~ weather conditions, noise, and air pollution.

* * *

Section 70. MCC 39.8210 is amended as follows:

§ 39.8210 ADJUSTMENT APPROVAL CRITERIA.

* * *

(E) If in the Rural Residential (RR), Rural Center (RC), Burlington Rural Center (BRC), Orient Residential (OR), Orient Commercial Industrial (OCI), Pleasant-Hill-Home Rural Center (PHRC), or Springdale Rural Center (SRC) base zones, the proposal will not significantly detract from the livability or appearance of the residential area.

* * *

Section 71. MCC 39.8300 is amended as follows:

§ 39.8300- NONCONFORMING USES.

* * *

(I) A use continued under this section is not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.

Section 72. MCC 39.8800 is amended as follows:

§ 39.8800- TYPE A HOME OCCUPATION.

* * *

(D) The business operator shall be the person who registers for a Type A Home Occupation or a Home Based Business and who will hold a majority ownership interest in the business. The business operator shall live full-time in the registered dwelling unit on the property and is the person responsible for strategic decisions and day-to-day operations of the business.

Section 73. MCC 39.8850 is amended as follows:

§ 39.8850- TYPE B HOME OCCUPATION.

* * *

(E) The business operator shall be the person who applies for a Type B Home Occupation or a Home Based Business and who will hold a majority ownership interest in the business. The business operator shall live full-time in the registered dwelling unit on the property and is the person responsible for strategic decisions and day-to-day operations of the business.

Section 74. MCC 39.8860 is amended as follows:

§ 39.8860- CONDITION OF APPROVAL -- ACCESSORY STRUCTURES BUILDINGS.

* * *

Section 75. MCC 39.9410 is amended as follows:

§ 39.9410 CATEGORY 1 AND CATEGORY 2 TENTATIVE PLAN MAP SPECIFICATIONS.

(A) The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size and format (including electronic) approved by the Planning Director. The scale of the map shall be 10, 20, 30, 40, 50, 60, 100 or 200 feet to the inch or multiples of ten of any of these scales. The map shall

include one copy of a scaled drawing of the proposed subdivision, on a sheet 8.5 x 11 inches or in a format specified by the Planning Director, suitable for reproduction, mailing and posting with the required notices.

(B) A future street plan may be combined with the tentative plan map or may be drawn on a sheet 8.5 x 11 inches or larger in size at a scale of one inch to one hundred feet or in a format specified by the Planning Director.

Section 76. MCC 39.9510 is amended as follows:

§ 39.9510 LOTS AND PARCELS.

* * *

(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable base zone, subject to the following:

(1) When a flag lot does not adjoin another flag lot, as shown in MCC 39.9510 Figure 1, the pole portion of the flag lot shall be at least 16 feet wide.

Figure 1.

* * *

Section 77. MCC 39.9510 is amended as follows:

§ 39.9550 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS.

* * *

(G) Any street, pedestrian path or bikeway shall be improved as follows:

* * *

(2) In a private street, in accordance with ~~the~~ this Chapter and the Multnomah County Road Rules and Design and Construction Manual;

* * *

Section 78. MCC 39.9600 is amended as follows:

§ 39.9600 IMPROVEMENT AGREEMENT.

* * *

(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms

provided by the Engineer, guaranteeing the materials and ~~workmanship quality~~ in the improvements required by this Ordinance against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and

* * *

Section 79. MCC 39.9700 is amended as follows:

§ 39.9700 LEGALIZATION OF LOTS AND PARCELS THAT WERE PREVIOUSLY UNLAWFULLY DIVIDED.

* * *

(D) Within ~~90~~365 days of a final decision being approved under Subsection (A), (B) or (C) of this Section, the property owner(s) shall record a partition plat or subdivision plat, as appropriate, in accordance with the requirements of ORS Chapter 92.

* * *

Section 80. This ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and adoption of these amendments described in Sections 1 through 79 of this Ordinance will take effect upon this Ordinance being signed by the Chair of the Board of County Commissioners, as provided by Charter Section 5.50.

FIRST READING AND ADOPTION:

August 18, 2022



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

David N. Blankfeld, Senior Assistant County Attorney

SUBMITTED BY: Jamie Waltz, Director, Department of Community Services



09/02/26

CLARIFICATION LETTER

Re: Agricultural Drainage, Culvert, and Farm Improvement Project
12424 NW Springville Road

To Whom It May Concern:

I am writing to explain the work performed by my construction company, KEN Construction Group LLC, at the farm property located at 12424 NW Springville Road, Portland, OR 97229 for the Reed Family.

KEN Construction Group LLC completed a multi-year agricultural maintenance and improvement project that started in late 2024 and which was finished in early 2026 involving the lower woodyard and corral area of the farm. The purpose of the project was to address aging and deteriorated drainage infrastructure and improve the condition and functionality of the existing farm area.

The site work included replacing old rusted metal culverts, broken clay drain tiles, and overgrown drainage ditches. These improvements were necessary to restore and maintain proper drainage in an area that has historically been used for corralling livestock and farm-related work areas. The existing drainage infrastructure and gravel pad had deteriorated over time, and the drainage ditches had become overgrown and ineffective.

As part of the project, we also performed related excavation and fill work necessary to remove and replace the deteriorated agricultural drainage infrastructure and create a ground grade level that would allow proper drainage of the affected areas. The work was undertaken to maintain and improve the existing agricultural use of this area of the farm which is the lowest elevation on the property and tends to need the most intense water management to remain usable during the wet season.

The project also included installing new water lines, planting trees in the lower woodyard and building a new goat corral in the old corral area as part of the overall improvement and restoration of the property.

The work was completed over multiple years because of the nature of the project, the condition of the existing infrastructure, weather constraints and the need to perform the work in conjunction with ongoing farm operations. The project was completed in early 2026 and we were paid \$28,388 for the work.

Please feel free to contact me if additional information regarding the construction work, the scope of the project, or the work performed by KEN Construction Group LLC would be helpful.

Thank you,

Kalin Kuzmin
KEN Construction Group LLC
538 Fenton Avenue, Ste B
Molalla, OR 97038

Resp. Ex. Q



Google Earth, 2004

Ex. D.12, Pg. 69