

**4.B – NON-RESOURCE RESIDENTIAL  
BASE ZONES (EXCEPTION LANDS)**

**4.B.1 – MULTIPLE USE AGRICULTURE  
(MUA-20)**

**§ 39.4300- PURPOSE.**

The purposes of the Multiple Use Agriculture base zone are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the agricultural uses, natural resource base, the character of the area and the applicable County policies.

**§ 39.4302 AREA AFFECTED.**

MCC 39.4300 to 39.4345 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

**§ 39.4305 USES.**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4310 through 39.4320 when found to comply with MCC 39.4325 through 39.4345 provided such uses occur on a Lot of Record.

**§ 39.4310 ALLOWED USES.**

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) Residential use consisting of a single family dwelling on a Lot of Record.

(B) Farm uses, as defined in ORS 215.203  
(2) (a) for the following purposes only:

- (1) Raising and harvesting of crops;
- (2) Raising of livestock and honeybees;  
or,

(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 39.4320(B).

(C) The propagation or harvesting of forest products.

(D) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

(E) Type A home occupations pursuant to MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

- (a) Garages or carports;
- (b) Pump houses;
- (c) Garden sheds;
- (d) Workshops;
- (e) Storage sheds, including shipping containers used for storage only;
- (f) Greenhouses;
- (g) Woodsheds;
- (h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;
- (i) Swimming pools, pool houses, hot tubs, saunas, and associated changing rooms;
- (j) Sport courts;

- (k) Gazebos, pergolas, and detached decks;
  - (l) Fences, gates, or gate support structures; and
  - (m) Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and
  - (n) Similar structures.
- (2) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (3) The Accessory Structure may contain one sink.
- (4) The Accessory Structure shall not contain:
- (a) More than one story;
  - (b) Cooking Facilities;
  - (c) A toilet;
  - (d) Bathing facilities such as a shower or bathing tub;
  - (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or
  - (f) A closet built into a wall.
- (5) Compliance with MCC 39.8860 is required.
- (6) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet and the combined footprints of all Accessory Buildings on a Lot of Record, including buildings accessory to an ADU, shall not exceed 2,500 square feet.
- (7) An Accessory Structure exceeding any of the Allowed Use provisions above, except for the combined footprints allowed for all buildings accessory to an ADU, shall be considered through the Review Use provisions.
- (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (G) Family Day Care.
- (H) Actions taken in response to an emergency/disaster event as defined in MCC 39.2000 pursuant to the provisions of MCC 39.6900.
- (I) Signs, as provided in this Chapter.
- (J) Transportation facilities and improvements that serve local needs or are part of the adopted Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.
- (K) Solar, photovoltaic and wind turbine alternative energy production facilities accessory to uses permitted in the base zone, provided that:
- (1) All systems shall meet the following requirements:
    - (a) The system is an accessory alternative energy system as defined in MCC 39.2000;
    - (b) The system meets all overlay requirements;

(c) The system is mounted to a ground mount, to the roof of the dwelling or accessory structure, or to a wind tower;

(2) The overall height of solar energy systems shall not exceed the peak of the roof of the building on which the system is mounted;

(3) Wind Turbine Systems:

(a) Wind turbine systems shall be set back from all property lines a distance equal to or greater than the combined height of the turbine tower and blade length. Height is measured from grade to the top of the wind generator blade when it is at its highest point;

(b) No lighting on wind turbine towers is allowed except as required by the Federal Aviation Administration or other federal or state agency.

(c) The land owner signs and records a covenant stating they are responsible for the removal of the system if it is abandoned. In the case of a sale or transfer of property, the new property owner shall be responsible for the use and/or removal of the system. Systems unused for one consecutive year are considered abandoned.

(L) Accessory Dwelling Unit (ADU), subject to the following standards:

(1) The ADU is sited entirely inside the urban growth boundary.

(2) The ADU is not accessory to a health hardship dwelling or any other type of temporary dwelling.

(3) Transportation Impacts shall be mitigated per Multnomah County Road Rules. The ADU shall use the same lawfully established driveway entrance as

the single-family dwelling, although the driveway may be extended to the ADU. No variance, adjustment, deviation or any other modification to this shared driveway provision is allowed.

(4) The floor area of the ADU shall not exceed either 800 square feet, or 75% of the floor area of the single-family dwelling to which the ADU is accessory, whichever is less.

(5) The ADU shall either be:

(a) Attached to or located within the interior of a lawfully established single-family dwelling;

(b) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building existed on the effective date of this ordinance;

(c) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building is located at least 7 feet and no more than 20 feet from the single family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed; or

(d) Detached, provided that the detached ADU is located at least 7 feet and no more than 20 feet from the single family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above.

No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed.

(6) An attached or interior ADU shall include at least one separate exterior doorway to the outside. Internal entrance(s) to the attached building are allowed.

(7) The following designs are not permitted for use as an ADU: Recreational vehicle, park model recreational vehicle, yurt or any other similar design not intended for permanent human occupancy or any structure unable to meet all applicable construction or installation standards.

(8) Short-term rental of the ADU is prohibited. For purposes of this subsection, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive calendar days. Month-to-month rental agreements for long-term purposes are not short-term rental.

(9) The land owner shall sign and record with the county a covenant stating that the ADU cannot be used for short-term rental, as defined in this section. The covenant shall apply until such time the subject property is annexed into a city and no longer subject to county land use regulations.

(M) In the East of Sandy River Rural Planning Area only, a single, one-day agri-tourism event subject to MCC 39.8925.

#### **§ 39.4315 REVIEW USES.**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter.

(A) Temporary uses when approved pursuant to MCC 39.8700 and 39.8750.

(B) Wholesale or retail sales of farm or forest products raised or grown on the premises or of farm crops or livestock from other farm

operations located in Multnomah County or in adjacent counties of Oregon or Washington bordering on Multnomah County, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area.

(C) Property Line Adjustment pursuant to the provisions of MCC 39.4330.

(D) Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(E) Lots of Exception pursuant to the provisions of MCC 39.4330.

(F) Wireless communication facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.

(G) Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.

(H) Structures or uses customarily accessory or incidental to any use permitted or approved in this base zone, which do not meet the “accessory structures” standard in MCC 39.4310 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential unit.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 39.8860 is required.

(I) A Type B home occupation when approved pursuant to MCC 39.8850.

(J) In the West of Sandy River Rural Plan Area, a State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the provisions for Design Review in MCC 39.8000 through 39.8050, and any other applicable zoning code requirements. Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(K) In the East of Sandy River Rural Planning Area only, agri-tourism events subject to MCC 39.8930.

#### **§ 39.4320 CONDITIONAL USES.**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) Community Service Uses listed in MCC 39.7520 pursuant to the provisions of MCC 39.7500 through MCC 39.7810;

(B) The following Conditional Uses pursuant to the provisions of Part 7 of this Chapter:

(1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005; or exploration, mining and processing of aggregate and other mineral or subsurface resources;

(2) Commercial processing of agricultural products primarily raised or grown in the region;

(3) Raising any type of fowl or processing the by-products thereof for sale at wholesale or retail;

(4) Feed lots;

(5) Raising of four or more swine over four months of age;

(6) Raising of fur bearing animals for sale at wholesale or retail;

(7) Commercial dog kennels; and

(8) Commercial processing of forest products primarily grown in the region.

(C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:

(1) Planned Development for single family residences, as provided in MCC 39.5300 through MCC 39.5350 and the applicable current “planned unit development” standards within the Oregon Administrative Rules Chapter 660, Division 004;

(2) Except for in the West of Sandy River Rural Plan Area, the following uses pursuant to the provisions of MCC 39.7000 through 39.7020:

- (a) Cottage industries,
- (b) Limited rural service commercial uses such as local stores, shops, offices, repair services and similar uses, and
- (c) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.

(D) Type C home occupation as provided for in MCC 39.7400 through 39.7410.

(E) Large Fills as provided for in MCC 39.7200 through 39.7220.

**§ 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

All development proposed in this base zone shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 39.3080, 39.4330, 39.4335 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be 20 acres.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

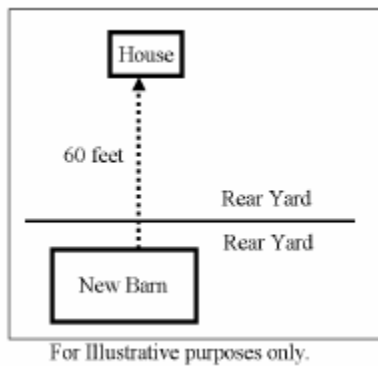
(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

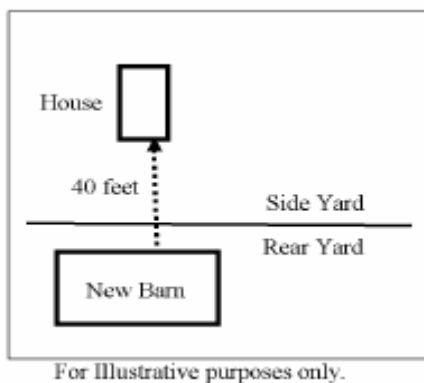
(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



- (3) Placement of an agricultural related structure under these provisions in (F) does not change the minimum yard requirements for future dwellings on adjacent property.

(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

- (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.

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

- (1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or
- (2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that 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.

(I) Required parking, and yard areas shall be provided on the same Lot of Record as the development being served.

(J) All exterior lighting shall comply with MCC 39.6850.

(Ord. 1309, Amended, 08/18/2022; Ord. 1271, Amended, 03/14/2019)

**§ 39.4330 LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS.**

**(A) Lots of Exception**

An exception to permit creation of a parcel of less than 20 acres, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 39.4325(C) through (E). Any exception shall be based on the following findings:

- (1) The Lot of Record to be divided has two or more permanent habitable dwellings;
- (2) The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;
- (3) Each new parcel created by the partition will have at least one of the habitable dwellings; and
- (4) The partition will not create any vacant parcels on which a new dwelling could be established.

**(B) Property Line Adjustment**

Pursuant to the applicable provisions in MCC 39.9300, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

- (1) The following dimensional and access requirements are met:
  - (a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;
  - (b) If the properties abut a street, the required access requirements of

MCC 39.4345 are met after the relocation of the common property line; and

**(2) One of the following situations occurs:**

- (a) The lot or parcel proposed to be reduced in area is larger than 20 acres prior to the adjustment and remains 20 acres or larger in area after the adjustment, or
- (b) The lot or parcel proposed to be enlarged in area is less than 40 acres in area prior to the adjustment and remains less than 40 acres in area after the adjustment.

**§ 39.4335 LOT SIZES FOR CONDITIONAL USES.**

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4320, except subsection (C)(1) thereof, shall be based upon:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties;
- (C) Consideration of the purposes of this base zone; and
- (D) A finding that the lot or parcel is at least two acres in area and in the West of Sandy River Rural Plan Area, if a lot or parcel is created to support a conditional use, a finding that the remainder parcel is not less than five acres.

**§ 39.4340 OFF-STREET PARKING AND LOADING.**

Off-Street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.

**§ 39.4345 ACCESS.**

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access



requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3080(B).

#### **4.B.2 – RURAL RESIDENTIAL (RR)**

##### **§ 39.4350- PURPOSE.**

The purposes of the Rural Residential base zone are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.

##### **§ 39.4352 AREA AFFECTED.**

MCC 39.4350 through 39.4395 shall apply to those lands designed RR on the Multnomah County Zoning Map.

##### **§ 39.4355 USES.**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this base zone except for the uses listed in MCC 39.4360 through 39.4370 when found to comply with MCC 39.4375 through 39.4395 provided such uses occur on a Lot of Record.

##### **§ 39.4360 ALLOWED USES.**

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in MCC Chapter 39.

(A) Residential use consisting of a single family dwelling on a Lot of Record.

(B) Farm use, as defined in ORS 215.203 (2) (a) for the following purposes only:

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or

(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 39.4370 (B).

(C) The propagation or harvesting of forest products.

(D) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

(E) Type A home occupations pursuant to MCC 39.8800.

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is customarily accessory or incidental to any use permitted or approved in this base zone and is a structure identified in the following list:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds, including shipping containers used for storage only;

(f) Greenhouses;

(g) Woodsheds;

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;