

MULTIPLE USE FOREST DISTRICT MUF

11.15.2162 Purposes

The purposes of the Multiple Use Forest District are to conserve and encourage the use of suitable lands for the growing and harvesting of timber and small wood lot management; to provide for agricultural uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses and scenic values; to provide standards for residential and other uses, including local and tourist commercial services which are compatible with forest and agricultural uses; to assure public and private recreation opportunities and to minimize potential hazards from fire, pollution, erosion and urban development.

11.15.2164 Area Affected

MCC .2162 through .2194 shall apply to those lands designed MUF-38 and MUF-19 on Multnomah County Zoning Map.

11.15.2166 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the use listed in MCC .2168 through .2176.

11.15.2168 Primary Uses

- (A) Forestry practices associated with the production, management and harvesting of timber;
- (B) Wood processing operations, such as:
  - (1) Pole and piling preparation;
  - (2) Portable sawmill for lumber cutting only;
  - (3) Wood chipping;
  - (4) Manufacture of fence posts; and
  - (5) Cutting firewood and similar miscellaneous products.
- (C) Farm Use, as defined in ORS 215.203(2) (a) for the following purposes only:
  - (1) Raising and harvesting crops;
  - (2) Raising of livestock or honeybees; or
  - (3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC .2172 (B).

- (D) Public and private conservation areas and structures other than dwellings for the protection of water, soil, open-space, forest and wildlife resources; and
- (E) Residential use consisting of a single-family dwelling including a mobile or modular home, on a lot of 38 acres or more, subject to the residential use development standards of MCC .2194.

11.15.2170

Uses Permitted Under Prescribed Conditions

- (A) Residential use, in conjunction with a primary use listed in MCC .2168, consisting of a singlefamily dwelling, including a mobile or modular home, subject to the following:
  - (1) The lot size shall meet the standards of MCC .2178 (A) or MCC .2182 (A) to (C), but shall not be less than ten acres.
  - (2) A resource management program for at least 75% of the productive land of the lot, as described in MCC .2172(D)
    - (2) (a) consisting of:
      - (a) Aa forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use,
      - (b) A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, considering accepted farming practice,
      - (c) A resource management plan for a primary use listed in MCC .2168, based upon income, investment or similar records of the management of that resource on the property as a separate management unit for at least two of the preceding three years,
      - (d) A fish, wildlife or other natural resource conservation management plan certified by the Oregon State Fish and Wildlife Department or by a person or group having similar resource conservation expertise, to be suited to the lot and to nearby uses,
      - (e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land designation under ORS Chapter 321.257, a Reforestation deferral under ORS Chapter 321.257, or participation in a current forestry improvement program of the U.S. Agricultural Stabilization and Conservation Service, or

- (f) A cooperative or lease agreement with a commercial timber company, or other person or group engaged in commercial timber operations, for the timber management of at least 75% of the productive timberland of the property. Productive timberland is that portion of the property capable of growing 50 cubic feet/acre/year.
- (3) The dwelling will not require public services beyond those existing or programmed for the area;
- (4) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and
- (5) The residential use development standards of MCC .2194.
- (B) Residential use consisting of a singlefamily dwelling, for the housing of help required to carry out a primary use listed in MCC .2168 (C) or (D), when the dwelling occupies the same lot as a residence permitted by MCC .2170 (A), subject to the residential use development standards under MCC .2194.
- (C) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, 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; provided that the decision of the Director may be appealed to the Hearings Officer pursuant to MCC .8290 and .8295.

11.15.2172

Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable ordinance standards:

- (A) Community Service Uses pursuant to the provisions of MCC .7005 through .7030.
- (B) The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640.
  - (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 forest products, primarily grown in the region, other than as specified in MCC .2168 (B).

- (3) Raising any type of fowl, or processing the byproducts 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; and
  - (7) Commercial dog kennels.
- (C) The following Conditional Uses may be permitted upon findings in addition to those required by MCC .7105 through .7640:
- (1) The capability of the land for resource production is maintained;
  - (2) The use will neither create nor be affected by any hazards; and
  - (3) Access for fire protection of timber is assured:
    - (a) Rural planned developments for singlefamily residences as provided in MCC .7705 through .7760, and
    - (b) Pursuant to the provisions of MCC .7105 through .7640.
      - (i) Cottage Industries;
      - (ii) Limited rural service commercial uses, such as local stores, shops, offices, repair services, and similar uses; and
      - (iii) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches, and similar uses.
- (D) Residential use, not in conjunction with a primary use listed in MCC .2168, consisting of a singlefamily dwelling, including a mobile or modular home, subject to the following findings:
- (1) The lot size shall meet the standards of MCC .2178 (A), .2180 (A) to (C), or .2182 (A) to (C);.
  - (2) The land is incapable of sustaining a farm of forest use, based upon one of the following:
    - (a) A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area,

- (b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusion, or
  - (c) The lot is a lot of record under MCC .2192 (A) through (C), and is ten acres or less in size;
- (3) A dwelling as proposed, is compatible with the primary uses as listed in MCC .2168 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area;
  - (4) The dwelling will not require public services beyond those existing or programmed for the area;
  - (5) The owner shall record with the Division of Records and Elections, a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and
  - (6) The residential use development standards of MCC .2194 will be met.

(E) Mortgage Lot

Residential use consisting of a single family dwelling in conjunction with a primary use listed in MCC .2168, located on a mortgage lot created after August 14, 1980, subject to the following:

- (1) The minimum lot size for the mortgage lot shall be two acres;
- (2) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.
- (3) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.

11.15.2174

Accessory Uses

- (A) Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:
  - (1) A temporary sign advertising the sale or rental of the premises, with a maximum area on one side of eight square feet, erected not less than ten feet from the front property line;
  - (2) A sign stating the name of the owner or occupant of the property, with a maximum area on one side of two square feet; and
  - (3) Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of products pursuant to the provisions of MCC .2170 (C).
- (B) Off-street parking and loading;
- (C) Home occupations; and
- (D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

11.15.2176

Temporary uses

When approved pursuant to MCC .8705 and .8710.

11.15.2178

Dimensional Requirements

- (A) Except as provided in MCC .2180, .2182, .2184 and .7720, the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:

MUF-38 . . . . .	38 acres
MUF-19 . . . . .	19 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.

Minimum Front Lot Line Length	Maximum Structure Height Stories	Minimum Yard Dimensions - Feet				
		Front	Side	Street Side	Rear	
50 feet	2-1/2	35	30	10	30	30

- (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 Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by Ordinance.

- (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.

11.15.2180

Lots of Exception

- (A) The Hearings Officer may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2178 (A), after August 14, 1980, when in compliance with the dimensional requirements of MCC 2178 (C) through (F). Any exception shall be based on findings that the proposal will:
- (1) Substantially maintain or support the character and stability of the overall land use pattern of the area;
  - (2) Be situated upon land generally unsuitable for commercial forest use or the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
  - (3) Be compatible with accepted farming or forestry practices on adjacent lands;
  - (4) Be consistent with the purposes described in MCC .2162;
  - (5) Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
  - (6) Not require public services beyond those existing or programmed for the area.
- (B) Except as provided in MCC .2180(D), no Lot of Exception shall be approved unless:
- (1) The Lot of Record to be divided exceeds the area requirements of MCC .2178(A), and
  - (2) The division will create no more than one lot which is less than the minimum area required in MCC .2178(A).
- (C) The Hearings Officer may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC .2162.
- (D) The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district; provided that the decision of the Director may be appealed to the Hearings Officer pursuant to MCC .8290 and .8295.

11.15.2182

Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel of land:
- (1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to August 14, 1980; and
  - (2) Which, when established, satisfied all applicable laws.
- (B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- (1) Parcels of land which are contiguous and in which greater than possessory interests are held by the same person, partnership or business entity shall be aggregated to comply as nearly as possible with a minimum lot size of ten acres, without creating any new lot line, and with the front lot line minimums of this district. The word "contiguous" shall refer to parcels of land which have any common boundary and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way, except as provided in subpart (2) of this subsection. Nothing in this subsection shall be deemed to alter or amend the other provisions of this Chapter.
  - (2) Separate Lots of Record shall be deemed created when a County-maintained road or zoning district boundary intersects a parcel of land.
- (C) Except as otherwise provided by MCC .2180, .2184 and .7720(A), no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

11.15.2184

Lot Sizes For Conditional Uses

The minimum lot size for a conditional use permitted pursuant to MCC .2172, except subpart (C) 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 impacts on nearby properties; and
- (C) Consideration of the purposes of this district.



11.15.2186 Off-Street Parking And Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

11.15.2188 Access

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and passenger and emergency vehicles.

11.15.2190 Exceptions From Non-Conforming Use Provisions

Conditional Uses listed in MCC .2172, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of MCC .8805 provided, however that:

- (A) Any change from one conditional use listed in MCC .2172 to another such conditional use shall be subject to approval pursuant to the provisions of MCC .2172; and
- (B) Any alteration of such conditional use listed in MCC .2172 shall be subject to Design Review pursuant to the provisions of MCC .7805 through .7865.

11.15.2192 Right To Complete SingleFamily Dwelling

A single family dwelling, uncompleted prior to August 14, 1980, but which meets the tests stated in this subsection, may be completed although not listed as a primary use in this district.

- (A) Actual construction shall have commenced prior to August 14, 1980, under a sanitation, building or other development permit applicable to the lot. "Actual construction" means:
  - (1) Placement of construction materials in a permanent position;
  - (2) ite excavation or grading;
  - (3) Demolition or removal of an existing structure;
  - (4) The value of purchased building materials; or
  - (5) Installation of water, sanitation or power systems.
- (B) Actual construction shall not include:
  - (1) The cost of plan preparation; or
  - (2) The value of the land.
- (C) The value of actual construction commenced prior to August 14, 1980, shall be \$1,000 or more for each \$20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.

Residential Use Development Standards

A residential use located in the MUF district after August 14, 1980, shall comply with the following:

- (A) The fire safety measure outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Interagency Fire Prevention Group, including at least the following:
  - (1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and
  - (2) Maintenance of a water supply and of firefighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;
- (B) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
- (C) The dwelling shall be located in as close proximity to a publically maintained street as possible, considering the requirements of MCC .2058 (B).
- (D) The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval.
- (E) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (C), above;
- (F) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
  - (1) A setback of 30 feet or more may be provided from a public road, or
  - (2) The location of dwellings(s) on adjacent lot(s) at a lesser distance will allow for the clustering of dwellings or the sharing of access;
- (G) Construction shall comply with the standards of the Building Code or as prescribed in ORS 466.002 through 446.200 relating to mobile homes.
- (H) The dwellings shall be attached to a foundation for which a building permit has been obtained.
  - (1) The dwelling shall be attached to a foundation for which a building permit has been obtained.

- (I) The dwelling shall have a minimum floor area of 600 square feet.
- (J) The dwelling shall be located outside a big game habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.