

SECTION 3

Subsection 3.10 of Ordinance No. 100 is amended to read:

3.10 EXCLUSIVE FARM USE DISTRICT EFU-38

3.101 PURPOSES

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

3.102 AREA AFFECTED

This subsection shall apply to those areas designated EFU-38 on the Multnomah County Zoning Map.

3.103 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 following uses:

3.103.1 PRIMARY USES:

- a. Farm use, as defined in ORS 215.203(2)(a) (1977 Replacement Part), for the following purposes only:
  1. Raising and harvesting of crops;
  2. Feeding, breeding, managing and selling livestock;
  3. Dairying; or
  4. Any other agricultural or horticultural purpose or animal husbandry purpose or any combination thereof, except as provided in subsection 3.103.3b;
- b. The propagation or harvesting of forest products; and
- c. Residential use in conjunction with farm use, consisting of a single family dwelling constructed on a lot.

3.103.2 USES PERMITTED UNDER PRESCRIBED CONDITIONS:

- a. Residential use in conjunction with farm use, consisting of a single family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
  1. Construction shall comply with the standards of the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes.
  2. The dwelling shall be attached to a foundation for which a building permit has been obtained.
  3. The dwelling shall have a minimum floor area of 600 square feet.
- b. Residential use consisting of a single family dwelling for the housing of help required to carry out a primary use listed in subsection 3.103.1.a. or c. when the dwelling occupies the same lot as a residence permitted by subsections 3.103.1.c or 3.103.2.a, subject to the following conditions:
  1. In the event the dwelling is constructed off-site, construction shall comply with subparagraphs a.1. and 3. of this subsection.
  2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
    - (a) the use is needed to carry out a use listed in subsection 3.103.1.a. or c.
    - (b) the standards of subsection 3.104.b are satisfied; and
    - (c) the minimum distance between dwellings will be 20 feet.

The decision of the Director may be appealed to the Board of Adjustment pursuant to subsections 12.38 and 12.39.

3.103.3 CONDITIONAL USES:

- a. The following uses may be permitted when approved by the Hearings Council pursuant to the provisions of Section 7.00:
  1. Public or private schools;
  2. Churches;
  3. Utility facilities including those for the purpose of generating power for public use by sale;

4. Operations for the exploration of geothermal resources as defined in ORS 522.005;
  5. Private parks, playgrounds, hunting and fishing preserves and campgrounds;
  6. Parks, playgrounds, or community centers owned and operated by a governmental agency or non-profit community organization; and
  7. Golf courses.
- b. The following uses may be permitted when approved by the Hearings Council pursuant to the provisions of Section 7.50:
1. Commercial activities that are in conjunction with farm use;
  2. 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 resources or other subsurface resources;
  3. Residential use not in conjunction with farm use, consisting of a single family dwelling, including a mobile or modular home, upon a finding that the dwelling:
    - (a) is compatible with farm uses described in paragraph (a) of subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;
    - (b) does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use;
    - (c) does not materially alter the stability of the overall land use pattern of the area;
    - (d) is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
    - (e) complies with subparagraphs 1., 2., and 3., of subsection 3.103.2.a if constructed off-site; and
    - (f) complies with such other conditions as the Council considers necessary.

4. Raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
5. Feed lots;
6. Raising of four or more swine over three months of age;
7. Raising of fur-bearing animals for sale at wholesale or retail;
8. Home occupations pursuant to provisions of ORS 215.213(2) (h) (1977 Replacement Part);
9. Facilities for the primary processing of forest products, pursuant to ORS 215.213(2) (i) (1977 Replacement Part); and
10. The boarding of horses for profit.

3.103.4 ACCESSORY USES

The uses or structures incidental and accessory to the uses permitted under subsection 3.103.1 through 3.103.3 are:

- a. Structures such as garages, carports, studios, pergolas, private workshops, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;
- b. Structures or fenced runs for the shelter or confinement of poultry or livestock;
- c. Signs, pursuant to the provisions of subsection 3.106;
- d. Off-street parking and loading; and
- e. Other structures or uses customarily incidental to any use permitted or approved in this district.

3.104 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.104.1, 3.104.2, and 3.104.3, the minimum lot size shall be 38 acres.
  1. That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

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

1. 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.
2. 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.

### 3.104.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit the creation of a lot of less than 38 acres, after the effective date of Ordinance No. 148, when in compliance with the requirements of subsection 3.104.b. Any exception shall be based on findings that the proposal will:

- a. substantially maintain or support the character and stability of the overall land use pattern of the area;
- b. be situated upon land generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and location or size of the tract;
- c. be compatible with accepted farming practices on adjacent lands;
- d. be consistent with the purposes described in Section 3.101;
- e. satisfy the applicable standards of water supply, sewage disposal, and minimum access; and
- f. not require public services beyond those existing or programmed for the area.

3.104.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.

3.104.12 The Hearings Council 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 subsection 3.101.

3.104.13 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 Council pursuant to subsections 12.38 and 12.39.

3.104.2 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 the effective date of Ordinance No. 148; 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 the area or 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.

Nothing in this subsection shall be deemed to alter or amend the other provisions of this Ordinance.

3.104.3 LOT SIZE FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsections 3.103.3.a, and b.2, 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; and
- c. consideration of the purposes of this district.

- 3.104.4 Except as otherwise provided by subsections 3.104.1 and 3.104.2, no sale or conveyance of any portion of a lot, for other than 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.

3.105 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be as required by Section 6.20.

3.106 SIGNS

Unless otherwise prohibited or regulated, the following non-illuminated signs shall be permitted in this district:

- a. 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;
- b. 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
- c. Not more than two signs, with a combined area of no more than 18 square feet, advertising those commercial activities in conjunction with farm use approved pursuant to the provisions of subsection 3.103.3.b.1.

3.107 ACCESS

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

3.108 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.108.1 A single family dwelling not in conjunction with farm use, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75.

3.108.2 Conditional uses listed in subsection 3.103.3, legally established prior to the effective date of Ordinance No. 148, shall be deemed conforming and not subject to the provisions of subsection 12.75, provided, however, that any change of use shall be subject to approval pursuant to the provisions of subsection 3.103.3.

- a. The term "change of use", as used in subsection 3.108.2, means the change from one conditional use listed in subsection 3.103.3 to another such conditional use.