

Legislative History of MCC 39.7515(B)

As requested by the Hearings Officer at the April 16, 2025, hearing, we have endeavored to provide the legislative history of MCC 39.7515(B) for the land use record.

We have been told that some of the legislative history records of Multnomah County were destroyed by a flood of the where the records were kept. There very well may be additional legislative materials that we have not been able to identify or provide -- and the applicant makes no representation regarding the completeness of this package of legislative history materials.

Noted in blue are the recordings we were able to obtain and are providing into the record. There are references to other hearings for which we were not provided recordings.

Document	Date	Description
Ordinance # 100	11/15/62	Ordinance 100 is a zoning ordinance for the entire unincorporated county. Section 7 of Ordinance 100 authorizes certain community service uses.
Ordinance # 682	1966	Multnomah County's online documents include a 1978 edition of Ordinance 100, together with all amendments adopted as of 3/6/79. That edition references Ordinance No. 682 adopted in 1966 which may have amended the provisions of Ordinance 100 dealing with the community service uses. However, we have not been able to obtain Ordinance 682.
Ordinance # 147	09/06/77	Adopting Comprehensive Plan. <i>Not provided again here as it has already been placed in the record as Exhibit S.8 (ordinance) and Exhibit S.7 (Comprehensive Plan).</i>
148 Legislative History	8/18/77	This is a packet of legislative history materials related to Ordinance 148.
AUDIO RECORDINGS SUBMITTED SEPARATELY	8/18/77	<ul style="list-style-type: none"> Legislative History Materials For Multnomah County Ordinance No. 148 -- Hearing Audio File PC 08181977 (Part A) Legislative History Materials For Multnomah County Ordinance No. 148 -- Hearing Audio File PC 08181977 (Part B)
148 Legislative History	09/06/77	This is a packet of legislative history materials related to Ordinance 148.
AUDIO RECORDINGS SUBMITTED SEPARATELY	09/06/77	<ul style="list-style-type: none"> Legislative History Materials For Multnomah County Ordinance No. 148 -- Hearing Audio File BCC 09011977-09061977 (Side A) Legislative History Materials For Multnomah County Ordinance No. 148 -- Hearing Audio File BCC 09061977-09131977 (Side B)
Ordinance # 148	09/06/77	<p>Amends and restates Section 7 of Ordinance 100 in its entirety. This ordinance first adopts approval criteria for community service uses in certain districts:</p> <p><u>"7.027.1 The Hearings Council shall find that the proposal:</u></p> <p><u>a) is consistent with the character of the area;</u></p> <p><u>b) will not adversely affect natural resources;</u></p> <p><u>c) will not conflict with farm or forest uses in the area;</u></p> <p><u>d) will not require public services other than those existing or programmed for the area;</u></p> <p><u>e) will not create hazardous conditions; and</u></p> <p><u>f) will satisfy the applicable policies of the Comprehensive Plan."</u> Page 54.</p>

ORDINANCE 100

11/15/62

(October, 2004 Cover Sheet added
for identification purposes
before electronic scanning)

**ZONING ORDINANCE OF
MULTNOMAH COUNTY
ORDINANCE # 100**

**PASSED AND IN
“FULL FORCE AND EFFECT”
ON
NOVEMBER 15, 1962**

2/7/66

EFFECTIVE DATES
MULTNOMAH COUNTY PLANNING COMMISSION

PERMANENT PLANNING COMMISSION

March 17, 1953

SUBDIVISION REGULATIONS

Subdivision Regulations

April 19, 1955

INTERIM ZONING ORDINANCE

First Interim Ordinance

May 26, 1953

New Interim Ordinance

August 4, 1955

ZONING ORDINANCE, MAPS and TEXT

Northeast

April 19, 1955

Southeast

July 3, 1956

Southwest

November 27, 1956

East

July 11, 1957

North

May 8, 1958

Northwest

July 10, 1958

Columbia Gorge

July 10, 1958

Far East

July 18, 1958

Orient

July 18, 1958

Springdale-Corbett

December 11, 1958

Re-Adoption - County Zoning Maps

May 12, 1960

Ordinance #100

November 15, 1962

ZONING ORDINANCE TEXT

Zoning Ordinance

Clinics in A-2, Section 3.9110 (e)

May 2, 1956

Professional Offices in A-2, Section 3.9110(f)

January 10, 1957

Commercial Uses in M Districts, Section 5.111

July 11, 1957

Trailer Court Amendment, Section 3.929

February 7, 1958

Suburban-Residential, Section 3.15

July 10, 1958

A-2, High Density, Section 3.9107

December 4, 1958

Board of Adjustment, Section 8.76

March 22, 1960

Fee Schedule, Section 13.00

April 1, 1960

Zoning Map, Section 2.3

May 12, 1960

Setbacks in M Zones, Section 5.221, Etc.

December 22, 1960

Land Survey, Section 8.91

December 22, 1960

Signs on Freeways, Section 4.229

July 6, 1961

Apartment-Residential-Business Office, Section 3.010

October 11, 1962

Special Districts, Section 6.00

June 18, 1964

B-Buffer District, Section 6.30

June 18, 1964

Conditional Use Amendment, Section 7.50

May 20, 1965

Off-Street Parking Amendment, Section 6.20

July 1, 1965

Planned Development, Section 6.40

February 21, 1967

INTERIM BUILDING CODE

First Interim Building Code

February 4, 1954

Revised Building Code

August 4, 1955

UNIFORM BUILDING CODE

1961 Edition

March 1, 1964

Amendment, Section 204

October 20, 1964

1964 Edition

June 20, 1965

Amendment, Section 3701

August 12, 1965

ZONING ORDINANCE
OF
MULTNOMAH COUNTY, OREGON
ORDINANCE # 100

Multnomah County Planning Commission
Room 403, County Courthouse
Portland 4, Oregon

ZONING ORDINANCE

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ORDINANCE #100

AN ORDINANCE amending the Zoning Ordinance of Multnomah County, deleting and changing provisions therein, creating new provisions and repealing all prior portions and amendments in conflict herewith to the extent of such conflict.

The Board of County Commissioners of Multnomah County, Oregon

ORDAINS as follows:

This ordinance is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve, stabilize, and protect property values; to encourage the most appropriate use of land; to provide adequate light, air and access; to prevent the over-crowding of land; to avoid undue concentration of population; to secure safety from fire and other dangers; to insure sanitary conditions; to lessen traffic congestion, and to facilitate adequate and economical provisions for public improvements, all in accordance with the Development Pattern of the county; and to provide a method of administration - all as authorized by the provisions of Sections 215.010 to 215.190, and Section 215.990 Oregon Revised Statutes.

Title: This ordinance shall be known and may be cited as the "Zoning Ordinance of Multnomah County, Oregon."

1.00 GENERAL DEFINITIONS. For the purposes of this ordinance, the following terms are hereby defined:

1.01 ACCESSORY BUILDING. A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

1.02 AGRICULTURE. The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs, or fur-bearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

1.03 AIRPORT OR AIRCRAFT LANDING FIELD. Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking-off of aircraft and including all necessary taxi-ways, aircraft storage, tie-down areas, hangars and other necessary buildings and open spaces.

1.04 ALLEY. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

1.05 ALTERATION. An "alteration" may be a change in construction or a change of occupancy. Where the term "alteration" is applied to a change of construction, it is intended to apply to any change addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

1.06 ALTERATION, STRUCTURAL. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

1.07 APARTMENT. Any building or portion thereof which is designed, built, rented, leased, let or hired out, to be occupied, or which is occupied as residence of three (3) or more families, living independently of each other and doing their own cooking in the said building.

1.08 BASEMENT. A portion of a building which has more than one-half ($\frac{1}{2}$) of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six (6) feet or more above the grade.

1.09 BOARD OF ADJUSTMENT. A Committee of the Planning Commission, which may grant temporary permits, and variances from the requirements of this ordinance with or without conditions according to the provisions of Section (8.3) of this ordinance.

1.10 BOARDING, LODGING OR ROOMING HOUSE. A building or portion thereof, other than a hotel, where meals and/or lodging are provided for compensation for five (5) or more persons, not transients.

1.11 BUILDING. Any structure built, for the support, shelter, or enclosure of any persons, animals, chattels or property of any kind.

1.12 BUILDING DEPARTMENT. The Planning Department is designated as the Building Department and is therefore charged with the administration and enforcement of this ordinance.

1.13 BUILDING HEIGHT. The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

1.14 BUILDING LINE. A horizontal line that coincides with the front side of the main building.

1.15 COURT. An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

- 1.16 DORMITORY. A room for sleeping purposes for more than four (4) persons, which is rented.
- 1.17 DWELLING UNIT. One or more rooms designed for occupancy by one (1) family for living purposes and having only one (1) cooking facility
- 1.18 DWELLING, ONE-FAMILY OR SINGLE FAMILY. A detached building designed for occupancy by one (1) family.
- 1.19 DWELLING, DUPLEX OR TWO-FAMILY. A building designed exclusively for occupancy by two (2) families living independently of each other.
- 1.20 DWELLING, APARTMENT. A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.
- 1.21 FENCE, SIGHT OBSCURING. A fence, consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.
- 1.22 FLOOR AREA. The maximum horizontal area of the building at the finished floor line.
- 1.23 FRONTAGE. All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street, or county boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

1.24 GRADE, GROUND LEVEL. The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk.

1.25 GRAZING. The use of land for pasture of horses, cattle, sheep, goats, and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits.

1.26 HOME OCCUPATION. Any lawful activity, not otherwise specifically provided for in this ordinance, commonly carried on within a dwelling by a member or members of a family, no employee or other person being engaged in the same, and in which said activity is secondary to the use of the dwelling for living purposes; provided, that there is no outside advertising or display of merchandise and that no sale or sales of merchandise shall be made in such dwelling or on the premises connected therewith.

1.27 HORTICULTURE. The cultivation of plants, garden crops, trees and/or nursery stocks.

1.28 HOTEL. A building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

1.29 HOUSING PROJECT. An area of four (4) or more acres arranged according to a site plan on which the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access streets and alleys, and other public facilities is shown.

1.30 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, excluding elementary and high schools, and trade and commercial schools.

1.31 JUNK YARD. The use for more than two hundred (200) square feet of the area of any lot, or the use of any portion of that half of any lot, but not exceeding a depth or width, as the case may be, of one hundred (100) feet, which half adjoins any street, for the dismantling or "wrecking" of automobiles or other vehicles or machinery, or for the storage or keeping of the parts or equipment resulting from such dismantling or "wrecking," or for the storage or keeping of junk, including scrap metals or other scrap material.

1.32 KENNEL. Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

1.33 LOADING SPACE. An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

1.34 LOT. A plot, parcel or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

1.35 LOT COVERAGE. The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

1.36 LOT LINES. The lines bounding a lot as defined herein.

1.37 LOT LINE, FRONT. In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

1.38 LOT LINE, REAR. The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

1.39 LOT LINE, SIDE. In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street; and in the case of a corner lot, a line separating the greatest frontage of the lot from the street.

1.40 LOT WIDTH. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

1.41 LOT WIDTH, AVERAGE. The average horizontal distance between the side lot lines.

1.42 LOT AREA. The total horizontal area within the lot lines of a lot.

1.43 MOTEL. See Tourist court.

1.44 NON-CONFORMING USE. A use to which a building or land was put at the time this ordinance became effective and which does not conform with the use regulations of the district in which it is located

1.45 PARKING SPACE. A minimum gross area, ten (10) feet in width and twenty (20) feet in length, available for the parking of a standard American automobile.

1.46 PREMISES. A lot with or without buildings.

1.47 PROFESSIONAL OFFICE. An office containing the activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist or teacher, but not real estate or insurance sales.

- 1.48 ROOMING HOUSE. Same as boarding house.
- 1.49 SCHOOL, COMMERCIAL. A building or land where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.
- 1.50 SCHOOL, PRIMARY, ELEMENTARY OR HIGH, including Private or Parochial, but not including nursery school, kindergarten or day nursery, except those operated in conjunction with a school.
- 1.51 SHALL is mandatory, MAY is permissive.
- 1.52 SIGN AREA. The greatest width multiplied by the greatest height of the display portion of a sign.
- 1.53 STORY. That portion of a building included between a floor and the ceiling next above it, exclusive of a basement.
- 1.54 STORY, HALF. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- 1.55 STREET. A public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such terms.
- 1.56 STRUCTURE. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
- 1.57 TIMBER GROWING. The growing of trees for the production of timber.
- 1.58 TOURIST COURT. One or more buildings designed or used as temporary living quarters for automobile transients.
- 1.59 TRAILER. Any vehicle or similar portable device, having no foundation other than wheels, jacks or skirtings and so designed or con-

structed as to permit human occupancy for living or sleeping purposes.

1.60 TRAILER PARK. Land designed or used for the temporary or permanent parking of two (2) or more vehicles used for human habitation.

1.61 TRANSITIONAL AREA. An area consisting of a lot, lots, or parts of lots, within any residential district, having side lot lines abutting a boundary of a commercial or industrial district, and extending not more than one hundred (100) feet from such boundary into the residential district.

1.62 TRANSITIONAL USES. A use allowed in a transitional area which is intended to create a gradual change in uses from industrial and commercial areas to residential areas.

1.63 YARD. An open space, on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from thirty (30) inches above the ground upward.

1.64 YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

1.65 YARD, REAR. A yard extending across the full width of the lot between the most rear building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten (10) foot line parallel to the front lot line, measured from one side line to the other.

1.66 YARD, SIDE. A yard between any building and the side lot line, extending from the front yard, or front lot line where no front yard is required; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the building.

2.00 DISTRICTS. The County of Multnomah, outside incorporated cities is hereby divided into the following districts, in each of which the uses, height, and area regulations are uniform:

2.10 DISTRICT NAMES

<u>SHORT TITLE</u>	<u>DISTRICT</u>
F-2	Agriculture, grazing, horticulture, and timber growing district, with a minimum lot size of two (2) acres.
S-R	Suburban-Residential district, with a variable lot size depending upon services available to each lot.
R-40	Single family residential district, with a minimum lot size of forty thousand (40,000) square feet.
R-30	Single family residential district with a minimum lot size of thirty thousand (30,000) square feet.
R-20	Single family residential district, with a minimum lot size of twenty thousand (20,000) square feet.
R-10	Single family residential district, with a minimum lot size of ten thousand (10,000) square feet.
R-7.5	Single family residential district, with a minimum lot size of seven thousand five hundred (7,500) square feet.
R-7	Single family residential district, with a minimum lot size of seven thousand (7,000) square feet.
R-4	Two-family residential district.
A-2	Apartment residential district.
A-1-B	Apartment residential - business office district.
C-4	Local Commercial district.
C-3	Retail Commercial district.
C-2	General Commercial district.
M-4	Manufacturing-Industrial Park district.
M-3	Light Manufacturing district.

M-2 General Manufacturing district.
M-1 Heavy Manufacturing district.

2.20 OTHER DISTRICTS

SHORT TITLE

DISTRICT

L-F Airport Landing Field district.
O-P Off-Street Parking and Loading district.

2.3 The designations, locations and boundaries of the respective districts and certain combinations thereof described in this ordinance are established as shown by appropriate color designations, symbol or short title identification upon the "Multnomah County Zoning Map," which consists of a series of bound and indexed sectional zoning maps numbered sheets one (1) through eight hundred and twenty-eight (828). The zoning map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Ordinance as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Ordinance, the written portion shall control.

2.31 The Zoning Map and each amendment thereto shall be and remain on file in the office of the Multnomah County Planning Commission.

3.10 AGRICULTURAL DISTRICTS. F-2

3.11 USE. No building, structure or land shall be used and no building or structure shall be hereafter erected or altered in this district except for the following uses:

3.111 Grazing, agriculture, horticulture, or the growing of timber.

3.112 Dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.

3.113 Accessory buildings.

3.114 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and other uses of a similar nature as provided in the Community Service Section (7.00), when approved by the Planning Commission.

3.115 Signs. The following signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected to be at least ten (10) feet behind the front property line. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) A sign advertising the sale of agricultural products raised or grown on the premises.

3.12 RESTRICTIONS.

3.121 All other uses shall be subject to the other requirements of this Ordinance which apply.

3.15 SUBURBAN-RESIDENTIAL-DISTRICT - SR

- 3.151 PURPOSE. This section provides minimum standards designed to assure the orderly and beneficial development of the district as the area becomes more densely populated and assumes urban characteristics. No provision of this section shall regulate lands used for grazing, agriculture, horticulture or for the growing of timber.
- 3.152 USE. 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:
- 3.1521 Single family dwellings
 - 3.1522 Accessory buildings such as garages, car-ports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
 - 3.1523 On lots of forty-thousand (40,000) square feet or larger, dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.
 - 3.1524 Grazing, agriculture, horticulture, or the growing of timber, provided that no retail or wholesale business sales office is maintained on a lot of less than two (2) acres and provided that no poultry or livestock, other than normal household pets, shall be housed within one hundred (100) feet of any residence other than a dwelling on the same lot.
 - 3.1525 Special Uses:
 - (a) Parks, playground or community centers, golf courses and other uses of a similar nature as provided in the Community Service Section (7.00), when approved by the Planning Commission.
 - (b) Churches and schools, subject to the review of the Planning Commission and the restrictions provided in Section 7.20.
 - 3.1526 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.

3.1527 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district.

- (a) Two-family dwellings.
- (b) Medical offices, dental offices, and clinics.
- (c) Parking, as required in Section 6.20.
- (d) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this Ordinance which apply.

3.1528 Signs. The following signs, non-illuminated, shall be permitted in this district.

- (a) A sign advertising the sale or rental of a premises; of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development of a temporary nature, with a maximum area on one side of eight (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) On lots of two (2) acres or larger, not more than two (2) signs, with a maximum total area of eighteen (18) square feet, advertising the sale of agricultural products raised or grown on the premises.

3.1529 Uses customarily incident to any of the above uses, including home occupations.

3.153 RESTRICTIONS.

3.1531 Lot Size. When topography, character and other considerations are favorable, and the following minimum standards are met, the minimum lot size in this district shall be:

<u>LOT AREA</u>	<u>MINIMUM STANDARDS</u>
Forty-thousand (40,000) square feet	<ol style="list-style-type: none"> 1. Approved water supply (public or private) 2. Approved individual sewage disposal system 3. Approved public access. 4. Approved plan for future re-subdivision of total tract when urban conditions develop.
Twenty-thousand (20,000) square feet	<ol style="list-style-type: none"> 1. Approved public water supply. 2. Approved individual sewage disposal system 3. Approved public access. 4. Approved plan for future re-subdivision of total tract when urban conditions develop.
Ten-thousand (10,000) square feet	<ol style="list-style-type: none"> 1. Approved public water supply. 2. Approved public sewer (or when conditions permit, State Code cesspool). 3. Approved public access. 4. Approved plan for the subdivision of the total tract. 5. Other established community facilities are available to serve the area and <u>similar lot sizes exist in the vicinity.</u>
	<p>(a) Approval of water supply and sewage disposal facilities shall be by the County Department of Public Health. Other approvals as above shall be by the Planning Commission. All such approvals shall be consistent with the purposes of this Ordinance.</p> <p>(b) Any further reduction in lot sizes shall require a change in district boundary. (Section 8.30). Such change may be considered on the basis of established character and community facilities in addition to the above.</p>

- (c) The minimum average lot width shall be seventy (70) feet, and the minimum lot width at the building line shall be seventy (70) feet. The minimum lot depth shall be one hundred (100) feet.

3.1532 Yard Requirements:

- (a) Front Yard. There shall be a front yard having a minimum depth of thirty (30) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot plus one-half the remaining distance to the required thirty (30) foot setback. If neither of the abutting side lots of tracts are occupied by a structure, the set-back shall be thirty (30) feet.
- (b) Side Yard. Side yards shall be a minimum of ten (10) feet.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building.
- (d) Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.
- (e) A wholesale or retail sales office, limited to the sale of agricultural products raised or grown on the premises, may be maintained on a lot of two (2) acres or larger, with a minimum front yard depth of sixty (60) feet and a maximum ground floor area of four hundred (400) square feet. Such maximum floor area shall include lath houses over five (5) feet in height used for display or sales.

3.1533 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

- (a) If attached to the main building or separated by a breezeway they shall fulfill the front and side yard requirements of the main building.
- (b) If detached and located behind the rear-most line of the main building, or a minimum of fifty-five (55) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

3.1534 Off-Street Parking. One (1) automobile space on the lot shall be provided for each dwelling unit.

- 3.1535 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, which ever is less.
- 3.1536 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.
- 3.1537 Half Streets. The minimum front or side yards or other set-backs as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 3.1538 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 yard or setback requirements of this district.
- 3.1539 These requirements shall apply to lots that abut a future street as indicated on an approved and recorded subdivision plat.
- 3.154 EXCEPTIONS.
- 3.1541 Housing Project. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it finds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In such case the lot area, width and depth requirements shall remain the same as for this residential district.
- 3.1542 Where a lot less than the minimum size required, in this section was held under separate ownership, and was on public record at the time this Ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three-thousand (3,000) square feet.
- 3.1543 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

NEW DEFINITIONS

- 1.011 AGRICULTURE. The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs or fur bearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.
- 1.231 GRAZING. The use of land for pasture of horses, cattle, sheep, goats, and/or other domestic herbivorous animals, along or in conjunction with agricultural pursuits.
- 1.241 HORTICULTURE. The cultivation of plants, garden crops, trees, and/or nursery stocks.
- 1.501 TIMBER GROWING. The growing of trees for the production of timber.

3.20 SINGLE FAMILY RESIDENTIAL DISTRICT R-40

3.21 USE. 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:

3.211 Single family dwellings.

3.212 Accessory buildings such as garages, carports, studios, pergolas, private workshops, play-houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.

3.213 Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within one-hundred (100) feet of any residence other than the dwelling on the same lot.

3.214 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature as provided in the Community Service Section (7.00), when approved by the Planning Commission.

3.215 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.

3.216 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district:

(a) Two-family dwellings.

(b) Medical offices, dental offices and clinics.

(c) Parking, as required in Section 6.20.

(d) Other uses of a transitional nature as determined by the Planning Commission. ~~These transitional uses shall conform to all other requirements of this ordinance which apply.~~

3.217 Signs. The following signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the building inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

3.218 Uses customarily incident to any of the above uses, including home occupations.

3.22 RESTRICTIONS.

3.221 Lot size. The minimum lot size shall be forty thousand (40,000) square feet. The minimum average lot width shall be one hundred (100) feet. The minimum average lot depth shall be one hundred and forty (140) feet.

3.222 Yard Requirements.

- (a) Front Yard. There shall be a front yard with a minimum depth of thirty (30) feet.
- (b) Side Yard. Side yards shall be a minimum of ten (10) feet.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of thirty (30) feet to any permanent structure.

- 3.223 Accessory Buildings. Accessory buildings may be allowed if they fulfill the front, side and rear yard requirements of the main building.
- 3.224 Off-Street Parking. One (1) automobile space on the lot shall be provided for each dwelling unit.
- 3.225 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less.
- 3.226 Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed twenty percent (20%) of the total area of the lot.
- 3.227 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.
- 3.228 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such case.
- 3.229 No sale or conveyance of any portion of a lot, for other than a public purpose, shall have a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.

3.23 EXCEPTIONS

- 3.231 Housing Project. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it holds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.
- 3.232 Where a lot has been a deed of record of less than one hundred (100) feet in width, or an area of less than forty thousand (40,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three-thousand (3,000) square feet.

this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet.

- 3.233 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

3.30 SINGLE FAMILY RESIDENTIAL DISTRICT R-30

3.31 USE. 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:

- 3.311 Single family dwellings.
- 3.312 Accessory buildings such as garages, carports, studios, pergolas, private workshops, play-houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- 3.313 Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within one hundred (100) feet of any residence other than the dwelling on the same lot.
- 3.314 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature as provided in the Community Service Section (7.00), when approved by the Planning Commission.
- 3.315 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.
- 3.316 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district:
 - (a) Two-family dwellings.
 - (b) Medical offices, dental offices and clinics.
 - (c) Parking, as required in section 6.20.
 - (d) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

3.317 Signs. The following signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the building inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

3.318 Uses customarily incident to any of the above uses, including home occupations.

3.52 RESTRICTIONS.

3.321 Lot Size. The minimum lot size shall be thirty thousand (30,000) square feet. The minimum average lot width shall be eighty (80) feet. The minimum average lot depth shall be one hundred and thirty (130) feet.

3.322 Yard Requirements.

- (a) **Front Yard.** There shall be a front yard with a minimum depth of thirty (30) feet.
- (b) **Side Yard.** Side yards shall be a minimum of ten (10) feet.
- (c) **Rear Yard.** There shall be a rear yard with a minimum depth of thirty (30) feet to any permanent structure.

- 3.323 Accessory Buildings. Accessory building may be allowed if they fulfill the front, side and rear yard requirements of the main building.
- 3.324 Off-street Parking. One (1) automobile space on the lot shall be provided for each dwelling unit.
- 3.325 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less.
- 3.326 Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed twenty-five percent (25%) of the total area of the lot.
- 3.327 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.
- 3.328 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 3.329 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, yard or setback requirements of this district.

3.33 EXCEPTIONS.

- 3.331 Housing Project. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it holds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.
- 3.332 Where a lot has been a deed of record of less than eighty (80) feet in width, or an area of less than thirty thousand (30,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot

area of less than three thousand (3,000) square feet.

- 3.333 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

3.40 SINGLE FAMILY RESIDENTIAL DISTRICT R-20

3.41 USE. 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:

3.411 Single family dwellings.

3.412 Accessory buildings such as garages, carports, studios, pergolas, private workshops, play-houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.

3.413 Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within one hundred (100) feet of any residence other than the dwelling on the same lot.

3.414 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature, as provided in the Community Service Section (7.00), when approved by the Planning Commission.

3.415 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.

3.416 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district:

(a) Two-family dwellings.

(b) Medical offices, dental offices and clinics.

(c) Parking, as required in section 6.20.

(d) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

3.417 Signs. The following signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the building inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

3.418 Uses customarily incident to any of the above uses, including home occupations.

3.42 RESTRICTIONS.

3.421 Lot Size. The minimum lot size shall be twenty-thousand (20,000) square feet. The minimum average lot width shall be eighty (80) feet. The minimum average lot depth shall be one hundred and twenty (120) feet.

3.422 Yard Requirements.

- (a) Front Yard. There shall be a front yard having a minimum depth of thirty (30) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one half of the remaining distance to

the required thirty (30) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure, the set-back shall be thirty (30) feet.

(b) Side Yard. Side yards shall be a minimum of ten (10) feet.

(c) Rear Yard. There shall be a rear yard with a minimum depth of thirty (30) feet to any permanent structure.

- 3.423 Accessory Buildings. Accessory buildings may be allowed if they fulfill the front, side and rear yard requirements of the main building.
- 3.424 Off-street Parking. One (1) automobile space on the lot shall be provided for each dwelling unit.
- 3.425 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less.
- 3.426 Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.
- 3.427 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.
- 3.428 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 3.429 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, yard or setback requirements of this district.

3.43 EXCEPTIONS.

- 3.431 Housing Project. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it holds that the proposed de-

sign is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width and depth requirements shall remain the same as for this residential district.

- 3.432 Where a lot has been a deed of record of less than eighty (80) feet in width, or an area of less than twenty thousand (20,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet.
- 3.433 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

3.50 SINGLE FAMILY RESIDENTIAL DISTRICT R-10

3.51 USE. 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:

- 3.511 Single family dwellings.
- 3.512 Accessory buildings such as garages, carports, studios, pergolas, private workshops, play-houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- 3.513 Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within one hundred (100) feet of any residence other than the dwelling on the same lot.
- 3.514 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature as provided in the Community Service Section (7.00), when approved by the Planning Commission.
- 3.515 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.
- 3.516 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district:
 - (a) Two-family dwellings..
 - (b) Medical offices, dental offices and clinics.
 - (c) Parking, as required in Section 6.20.
 - (d) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

3.517 Signs. The following signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

3.518 Uses customarily incident to any of the above uses, including home occupations.

3.52 RESTRICTIONS.

3.521 Lot Size. The minimum lot size shall be ten thousand (10,000) square feet. The minimum average lot width shall be seventy (70) feet, and the minimum lot width at the building line shall be seventy (70) feet. The minimum average lot depth shall be one hundred (100) feet.

3.522 Yard Requirements.

- (a) Front Yard. There shall be a front yard having a minimum depth of thirty (30) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structure on abutting

lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one-half the remaining distance to the required thirty (30) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure, the set-back shall be thirty (30) feet.

- (b) Side Yard. Side yards shall be a minimum of ten (10) feet.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building.

3.523 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

- (a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.
- (b) If detached and located behind the rear-most line of the main building, or a minimum of fifty-five (55) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

3.524 Off-Street Parking. One (1) automobile space on the lot shall be provided for each dwelling unit.

3.525 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less.

3.526 Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory building shall not exceed thirty percent (30%) of the total area of the lot.

3.527 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.

3.528 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.

- 3.529 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, yard or setback requirements of this district.

3.53 EXCEPTIONS.

- 3.531 Housing Project. When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it is deemed that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.
- 3.532 Where a lot has been a deed of record of less than seventy (70) feet in width or an area of less than ten thousand (10,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet.
- 3.533 If topographical or other conditions exist which make these requirements unreasonable, The Board of Adjustment may waive the front, side or rear yard requirements.

3.60 SINGLE FAMILY RESIDENTIAL DISTRICT R-7.5

~~3.61~~ **USE.** 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:

- 3.611 Single family dwellings.
- 3.612 Accessory buildings such as garages, carports, studios, pergolas, private workshops, play houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- 3.613 Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within one hundred (100) feet of any residence other than the dwelling on the same lot.
- 3.614 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature, as provided in the Community Service Section (7.00), when approved by the Planning Commission.
- 3.615 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.
- 3.616 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district:
 - (a) Two-family dwellings.
 - (b) Medical offices, dental offices and clinics.
 - (c) Parking, as required in Section 6.20.
 - (d) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

3.617 Signs. The following signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the building inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

3.618 Uses customarily incident to any of the above uses, including home occupations.

3.62 RESTRICTIONS.

3.621 Lot Size. The minimum lot size shall be seven thousand five hundred (7,500) square feet. The minimum average lot width shall be seventy (70) feet, and the minimum lot width at the building line shall be seventy (70) feet. The minimum average lot depth shall be ninety (90) feet.

3.622 Yard Requirements.

- (a) **Front Yard.** There shall be a front yard having a minimum depth of thirty (30) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structures on abutting lots on either side if both lots are occupied;

if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one half the remaining distance to the required thirty (30) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure, the set-back shall be thirty (30) feet.

- (b) Side Yard. Side yards shall be a minimum of ten (10) feet, on corner lots the side yard shall be a minimum of ten (10) feet on the side abutting the street.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building.

3.623 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

- (a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.
- (b) If detached and located behind the rear-most line of the main building, or a minimum of fifty-five (55) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street when in compliance with the Building Code.

3.624 Off-Street Parking. One (1) automobile space on the lot shall be provided for each dwelling unit.

3.625 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less.

3.626 Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory buildings shall be thirty-five (35%) percent of the total area of the lot.

3.627 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.

3.628 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.

- 3.629 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, yard or setback requirements of this district.

3.63 EXCEPTIONS.

- 3.631 When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it holds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.
- 3.632 Where a lot has been a deed of record of less than seventy (70) feet in width, or an area of less than seven thousand five hundred (7,500) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet.
- 3.633 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

3.70 SINGLE FAMILY RESIDENTIAL DISTRICT R-7

3.71 USE. 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:

3.711 Single family dwellings.

3.712 Accessory buildings such as garages, carports, studios, pergolas, private workshops, play houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.

3.713 Farming, truck gardening, orchards and nurseries, provided that no retail or wholesale business sales office is maintained on the premises, and provided that no poultry or livestock, other than normal household pets, shall be housed within one hundred (100) feet of any residence other than the dwelling on the same lot.

3.714 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature, as provided in the Community Service Section (7.00), when approved by the Planning Commission.

3.715 Temporary structures may be allowed in this district if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.

3.716 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district:

(a) Two-family dwellings.

(b) Medical offices, dental offices and clinics.

(c) Parking, as required in Section 6.20.

(d) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

3.717 Signs. The following signs shall be permitted in this district:

- A sign ~~advertising the sale or rental of a premises~~; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the building inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
 - (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
 - (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

3.718 Uses customarily incident to any of the above uses, including home occupations.

3.72 RESTRICTIONS.

3.721 Lot Size. The minimum lot size shall be seven thousand (7,000) square feet. The minimum average lot width shall be sixty (60) feet, and the minimum lot width at the building line shall be sixty (60) feet. The minimum average lot depth shall be eighty (80) feet.

3.722 Yard Requirements.

- (a) **Front Yard.** There shall be a front yard having a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structures on abutting lots on either side if both lots are

occupied; if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one half the remaining distance to the required twenty (20) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure, the set-back shall be twenty (20) feet.

- (b) Side Yard. Side yards shall be a minimum of five (5) feet, on corner lots the side yard shall be a minimum of ten (10) feet on the side abutting the street.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building.

3.723 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.

If detached and located behind the rear-most line of the main building, or a minimum of fifty (50) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

- 3.724 Off-Street Parking.** One (1) automobile space on the lot shall be provided for each dwelling unit.
- 3.725 Height Restrictions.** Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less.
- 3.726 Lot Coverage.** The maximum area that may be covered by the dwelling unit and accessory buildings shall be thirty-five (35%) percent of the total area of the lot.
- 3.727** All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.
- 3.728 Half Streets.** The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.

- 3.729 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, yard or setback requirements of this district.

3.73 EXCEPTIONS

- 3.731 When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it holds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live. In this case the lot area, width, and depth requirements shall remain the same as for this residential district.
- 3.732 Where a lot has been a deed of record of less than sixty (60) feet in width, or an area of less than seven thousand (7,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied by any use permitted in this district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet.
- 3.733 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

3.80 TWO-FAMILY RESIDENTIAL DISTRICT R-4

3.81 USE. 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:

3.811 One-Family dwellings.

3.812 Two-Family dwellings.

3.813 Accessory buildings such as garages, carports, studios, pergolas, private workshops, play houses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.

3.814 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature, as provided in the Community Service Section (7.00), when approved by the Planning Commission.

3.815 Temporary structures may be allowed in this district, if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.

3.816 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) district.

(a) Apartment dwellings.

(b) Medical offices, dental offices and clinics.

(c) Parking, as required in Section 6.20.

(d) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this ordinance which apply.

3.817 Signs. The following signs shall be permitted in this district:

(a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.

- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the Building Inspector before erection as to location in regard to health, safety, view obstruction, or other such conditions.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

3.818 Uses customarily incident to any of the above uses, including home occupations.

3.82 RESTRICTIONS.

3.821 Lot Size. The minimum lot size shall be eight thousand (8,000) square feet for a two-family dwelling. The minimum lot size shall be seven thousand (7,000) square feet for a single-family dwelling. The minimum average lot width shall be sixty (60) feet, and the minimum width at the building line shall be sixty (60) feet. The minimum average lot depth shall be eighty (80) feet.

3.822 Yard Requirements.

- (a) Front Yard. There shall be a front yard having a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one half the remaining distance to the required twenty (20) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure the set-back shall be twenty (20) feet.

- (b) Side Yard. Side yards shall be a minimum of five (5) feet, on corner lots the side yard shall be a minimum of ten (10) feet on the side abutting the street.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building.

3.823 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

- (a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.
- (b) If detached and located behind the rear-most line of the main building, or a minimum of fifty (50) feet from the front lot line whichever is greater, any one (1) story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

3.824 Off-Street Parking. One (1) automobile space on the lot shall be provided for each dwelling unit.

3.825 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less.

3.826 Lot Coverage. The maximum area that may be covered by the dwelling unit and accessory buildings shall not exceed forty (40%) percent of the total area of the lot.

3.827 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.

3.828 Half Streets. The minimum front or side yards or other set-backs as stated herein, shall be increased where such yard or set-back 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 the additional yard or set-back requirements in such cases.

3.829 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, yard or set-back requirements of this district.

3.83. EXCEPTIONS.

- 3.831 Where a lot has been a deed of record of less than sixty (60) feet in width, or an area of less than eight thousand (8,000) square feet, and was held under separate ownership, or was on public record at the time this ordinance became effective, such lot may be occupied only by a use permitted in an R-7 district. In no case, however, shall a dwelling unit have a lot area of less than three thousand (3,000) square feet.
- 3.832 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

3.90 APARTMENT RESIDENTIAL DISTRICT A-2

3.91 USE. No building, structure or land shall be used and no building or structure shall be hereinafter erected, altered or enlarged in this district except for the following uses:

3.9101 Single Family Dwellings.

3.9102 Two-Family Dwellings.

3.9103 Apartment Dwellings.

3.9104 Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.

3.9105 Special uses, such as parks, playgrounds or community centers, churches, schools, golf courses and uses of similar nature, as provided in Community Service Section (7.00), when approved by the Planning Commission.

3.9106 Temporary structures may be allowed in this district, if these structures relate to the building or sale of land or homes, provided, however, that a temporary permit shall be issued for these structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.

3.9107 Where any portion of a lot is within one hundred and fifty (150) feet of the boundary of a C-3 or C-2 district, apartment dwellings (3 units or more) with a minimum lot size of five thousand eight hundred (5,800) square feet plus one thousand two hundred (1,200) square feet for each unit may be permitted after a public hearing before the Planning Commission. In such cases the maximum area that may be covered by the dwelling unit and accessory buildings shall be fifty percent (50%) of the total area of the lot. All other requirements of the A-2 Section shall apply.

3.9108 Where the side of a lot abuts on a commercial or industrial district, the following transitional uses are permitted provided they do not extend more than one hundred (100) feet into the more restricted (residential) districts:

- (a) Medical offices, dental office and clinics.
- (b) Parking, as required in Section 6.20.
- (c) Other uses of a transitional nature as determined by the Planning Commission. These transitional uses shall conform to all other requirements of this Ordinance which apply.

3.9109 SIGNS. The following signs shall be permitted in this district:

- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten (10) feet behind the front property line.
- (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet, when erected at least ten (10) feet behind the front property line. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.
- (c) A sign stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) square feet.
- (d) In transitional areas a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of eighteen (18) square feet. Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (e) In trailer parks a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of twelve (12) square feet. Such sign shall pertain only to the use of the property, and shall be located not less than ten (10) feet from any property line. Artificially illuminated signs shall not be permitted if they face an abutting residential district.

*3.9110 Uses customarily incident to any of the above uses, including home occupations.

3.9111 The following uses may be permitted after a public hearing before the Planning Commission:

- (a) Trailer parks; (b) Hotels;
- (c) Boarding Houses; (d) Motels;
- * (e) Professional Offices Amended January 10, 1957
- * (f) Medical and dental offices and clinics
Amended January 10, 1957

*Section 3.9110 Amended May 2, 1956

The Planning Commission may attach additional conditions as to set-backs, screening, off-street parking and loading, construction standards and maintenance, which may be deemed necessary to protect public health, safety and general welfare; to protect adjacent properties and the public interest.

3.92 RESTRICTIONS.

3.921 Lot Size and Coverage.

<u>Number of Dwelling Units</u>	<u>Minimum Lot Size in Square Feet</u>	<u>Per Cent Lot Coverage</u>
1	7,000	35
2	8,000	40
3	11,000	40
4	14,000	45
5	16,500	45
6	19,000	45
7-10	21,500 + 2,250 for each unit over 7	45
11-20	30,500 + 2,000 for each unit over 11	45
21-37	50,750 + 1,750 for each unit over 21	50
38-63	79,500 + 1,500 for each unit over 38	55
64-up	118,500 + 1,000 for each unit over 64	55

The minimum average lot width shall be Sixty (60) feet, and the minimum lot width at the building line shall be sixty (60) feet. The minimum average lot depth shall be eighty (80) feet.

3.922 Yard Requirements.

- (a) Front Yard. There shall be a front yard having a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structures on abutting lots on either side if both lots are occupied; if one lot

is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure, the set-back shall be twenty (20) feet.

- (b) Side Yard. For buildings one (1) or two (2) stories in height, side yards shall be a minimum of five (5) feet; for buildings exceeding two (2) stories in height, the side yards shall be a minimum of one (1) foot horizontally for every three (3) feet of building height; on corner lots the side yard for all structures shall be a minimum of ten (10) feet on the side abutting the street.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of fifteen (15) feet to the main building.

3.923 Accessory Buildings. Accessory buildings may be allowed if they fulfill the following requirements:

- (a) If attached to the main building or separated by a breeze-way they shall fulfill the front and side yard requirements of the main building.
- (b) If detached and located behind the rear-most line of the main building, or a minimum of forty-five (45) feet from the front lot line, whichever is greater, any one (1) story accessory building may be located adjacent to or on a rear and/or side lot line not fronting on a street, when in compliance with the Building Code.

3.924 Off-Street Parking. Off-street parking shall be provided as required in Section 6.20.

3.925 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less. All structures exceeding thirty-five (35) feet, or two and one-half ($2\frac{1}{2}$) stories, may be permitted if in harmony with the neighborhood after a public hearing before the Planning Commission.

3.926 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.

3.927 Half Street. The minimum front or side yards or other set-backs as stated herein, shall be increased where such yard or set-back 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 the additional yard or set-back requirements in such cases.

3.928 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, yard or set-back requirements of this district.

3.929 All of the above restrictions shall apply to hotels, boarding houses, motels, and trailer parks, except that the minimum lot sizes for such uses shall be as hereinafter provided, and in addition they shall comply with the following requirements:

(a) Trailer Parks.

(1) Trailer parks shall be located on well-drained sites, and shall be so located that their drainage shall not endanger any water supply.

All such trailer parks shall be located in areas free from marshes, swamps, or other potential breeding places for insects or rodents.

(2) The area of the trailer park shall be large enough to accomodate:

(a) The designated number of trailer spaces.

(b) Necessary streets and drives.

(c) Off-street parking.

(d) Service areas, recreation areas, and set-backs.

(3) Each trailer space shall contain a minimum of one thousand two hundred (1,200) square feet, ~~except that at the option of the owner the minimum size may be one thousand (1,000) square feet if, as provided in subsection (12) of this section, an area of one hundred (100) square feet for each trailer space is provided as recreation area.~~ Each trailer space shall be a minimum of twenty-five (25) feet in width, and shall abut on a drive with unobstructed access to a street. Such spaces shall be clearly defined. Trailers shall be located in such spaces with a minimum of fifteen (15) feet between trailers, or between a trailer and any building.

(4) No trailer shall be located less than five (5) feet from a side or rear property line.

(5) No trailer shall be located less than twenty-five (25) feet from any street or highway, or so that any part of such trailer will obstruct any drive or walkway.

- (6) No trailer shall remain in a trailer park unless a trailer space is available.
- (7) Access drives shall be provided to each trailer space, shall be continuous, shall connect with a street, and shall have a minimum width of twenty (20) feet, with a minimum total width of thirty-six (36) feet for exterior connections.
- (8) Improved walkways, not less than two (2) feet in width, shall be provided from each trailer space to service buildings.
- (9) Access drives and walkways within the park shall be hard surfaced according to standards established by the County Roadmaster.
- (10) Each trailer space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of one hundred fifty (150) square feet and one crushed rock or better trailer pad having a minimum size of ten (10) feet by forty (40) feet.
- (11) Off-street parking shall be provided as required in Section 6.20, with a minimum of one (1) parking space for each trailer space. Minimum width access drives shall not be considered in fulfilling this requirement.
- (12) Recreation areas which may be provided under the conditions of subsection (3) of this section, shall be suitably equipped and restricted to such uses. Such areas shall be protected from streets, drives and parking areas. A minimum of one hundred (100) square feet of recreation area for each trailer space shall be provided in one or more locations within the trailer park. The minimum size of each such recreation area shall be two thousand five hundred (2,500) square feet.
- (13) No permanent additions of any kind shall be built onto, nor become a part of, any trailer. Skirting of trailers is permissible, but such skirting shall not attach the trailer to the ground.
- (14) Permanent structures located within any trailer space shall be used for storage purposes. only, shall have a maximum area of twenty-five (25) square feet, shall be located not less than six (6) feet from any trailer, and shall be subject to all of the applicable provisions of the

Multnomah County Building Code. These structures shall be uniform and included in the plan submitted to and approved by the Planning Commission.

- (15) Wheels of trailers shall not be removed, except temporarily when necessary for repairs.
 - (16) A sight-obscuring fence of not less than six (6) feet, nor more than seven (7) feet in height, with no openings other than the required entrances and exits to streets and public places, shall be provided along any lot line which abuts or faces a more restricted residential district.
 - (17) Applications for use of land as a trailer park shall be accompanied by complete plans and specifications of the proposed park and all permanent buildings, indicating the proposed methods of compliance with these requirements. Such plans shall be to a scale of not less than one (1) inch - forty (40) feet. Such application shall also include a copy of the approval of plans by the County Health Department.
- (b) Hotels, boarding houses and motels:
- (1) If cooking facilities are provided in individual units of a structure or structures, the requirements of the A-2 Apartment-Residential District for dwelling units shall apply for each unit containing the cooking facilities.

3.93 EXCEPTIONS.

- 3.931 Where a lot has been a deed of record of less than sixty (60) feet in width, or an area of less than eight thousand (8,000) square feet, and was held under separate ownership, or was on public record at the time this Ordinance became effective, such lot may be occupied only by a use in an R-7 district. In no case, however, shall a single family dwelling unit have a lot area of less than three thousand (3,000) square feet.
- 3.932 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

DEFINITION

- Section 1.521 Trailer. Any vehicle or similar portable structure having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit occupancy for living or sleeping purposes.

3.011 PURPOSE The purpose of this district is to provide suitable areas for apartment dwellings together with harmonious business and professional office uses, generally utilizing the frontage on major arterials, in a manner offering a high level of access and compatibility with the necessary traffic-carrying capacity and with a minimum of conflict with adjoining single-family residential districts.

3.012 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:

27 on 7000 sq.
R4 on 8000 sq.
3.0121 Any use permitted in an R-7 or R-4 district and apartment dwellings according to the standards of Sec. 3.92.

3.0122 Apartment Dwellings, High Density

Where any portion of a lot is within one hundred and fifty (150) feet of the boundary of a C-3 or C-2 district, apartment dwellings (3 Units or more) with a minimum lot size of five thousand, eight hundred (5,800) square feet plus one thousand, two hundred (1,200) square feet for each unit may be permitted after a public hearing before the Planning Commission. In such cases the maximum area that may be covered by the dwelling unit and accessory buildings shall be fifty percent (50%) of the total area of the lot. All other requirements of the A-2 Section shall apply.

3.0123 Trailer Parks, Hotels, Motels and Boarding Houses may be permitted after public hearing before the Planning Commission, when in harmony with the Development Pattern and the character of the area, and developed in accordance with the standards of Section 3.929.

3.0124 The following uses when developed in accordance with the standards of this section:

(a) Offices studios or clinics of the following professions or occupations:

- (1) Accountants
- (2) Architects
- (3) Artists
- (4) Attorneys
- (5) Authors and writers
- (6) Dentists
- (7) Designers
- (8) Engineers
- (9) Investment Counselors
- (10) Landscape Architects
- (11) Management Consultants
- (12) Physicians and Surgeons
- (13) Psychologists

(b) Office of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities are such that few visitors other than employees have reason to come to the premises.

(c) Any other office use held similar to the above uses, as approved by the Planning Commission as being in harmony with the Development Pattern and with the area and purposes set forth in Section 3.011, General Purposes Section of this ordinance.

(d) Accessory buildings or uses customarily incidental to such uses, when located on the same lot.

3.0125 Limitations

- (a) Except for those items necessarily related to the business or profession, no goods, wares or merchandise shall be displayed, sold or serviced on any lot in this district.
 - (b) All uses and operations shall be confined, contained and conducted wholly within completely enclosed buildings, except off-street parking and loading areas.
- 3.0126 Special uses, such as parks, playgrounds, or community centers, churches, schools, golf courses and uses of similar nature, as provided in Community Service Section (7.00), when approved by the Planning Commission.
- 3.0127 Temporary structures or uses may be allowed in this district, if these relate to the building or sale of land or permanent structures, provided, however, that a temporary permit shall be issued for these temporary structures by the Board of Adjustment. This permit shall expire at the end of one (1) year, but may be renewed by the Board of Adjustment at the end of that period.
- 3.0128 SIGNS. The following signs, located no closer than ten (10) feet from any property line, shall be permitted in this district.
- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet.
 - (b) A sign advertising the sale of a tract of land or a legally approved subdivision or development; not artificially illuminated, of a temporary nature, with a maximum area on one side of eighty (80) square feet. Any such sign shall be approved by the Building Inspector as to location in regard to health, safety, view obstruction, or other such conditions, before erection.

- (c) A sign for each dwelling stating the name of the owner or occupant of the property; with a maximum area on one side of two (2) **square feet**.
- (d) In trailer parks a sign, illuminated or otherwise, but not of a flashing intermittent type, with a maximum area on one side of twelve (12) square feet. Such sign shall pertain only to the use of the property. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- (e) For offices a sign or signs indirectly illuminated, but not of a flashing intermittent type, with the following limitations:
 - (1) Maximum sign area, one side, shall be two (2) square feet for each use, and the total area, one side, of all exterior sign display surfaces shall not exceed eighteen (18) square feet.
 - (2) Artificially illuminated signs shall not be permitted if they face an abutting residential district.
 - (3) Any external sign displayed shall pertain only to the use conducted within the building and shall not advertise incidental products.

3.0129 The Planning Commission may attach additional conditions as to set-backs, screening, off-street parking and loading, construction standards and maintenance, which may be deemed necessary to protect public health, safety and general welfare; to protect adjacent properties and the public interest.

3.013 RESTRICTIONS. Except as otherwise specified herein, all residential uses shall fulfill the applicable restrictions of the A-2 Section. All other uses permitted by this section shall meet the following requirements:

3.0131 Yard Requirements

- (a) Front Yard. There shall be a front yard having

a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty (20) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet.

(b) Side Yard. For buildings one (1) or two (2) stories in height, side yards shall be a minimum of five (5) feet; for buildings exceeding two (2) stories in height, the side yards shall be a minimum of one (1) foot horizontally for every three (3) feet of building height; on corner lots the side yard for all structures shall be a minimum of ten (10) feet on the side abutting the street.

(c) Rear Yard. There shall be a rear yard with a minimum depth of fifteen (15) feet to the main building.

3.0132 Accessory Uses. Uses or buildings, accessory to primary office use, may be allowed and shall fulfill the yard requirements of this district.

3.0133 Off-Street Parking and Loading: Off-Street parking and loading spaces shall be provided on the site of the primary use. Off-street parking area for office uses shall be provided at a ratio of two (2) square feet of parking area for each one (1) square foot of gross floor area of building. Off-street loading spaces shall be provided as required in Section 6.20. No off-street parking or loading space shall be provided within any yard or setback as required in this district.

Screening shall be provided except for necessary exits and entrances, around all off-street parking and loading areas adjacent to any "R" or "A" district according to the following standards:

- (a) Sight-obscuring fences shall be of sufficient density to obscure automobile headlights.
- (b) Height of such sight-obscuring fence shall be not less than three (3) feet nor more than (4) feet along any street, and not less than five (5) feet nor more than six (6) feet along any other property line. Such screening may be placed along the boundary of the parking or loading area or along a property line, but not closer than five (5) feet to a street line.
- (c) All other parking standards shall be in conformance with the other requirements of Section 6.20.

3.0134 Height Restrictions. Maximum height of any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less. All structures exceeding thirty-five (35) feet, or two and one-half ($2\frac{1}{2}$) stories, may be permitted if in harmony with the neighborhood after a public hearing before the Planning Commission.

3.0135 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.

3.0136 Half-Street. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.

3.0137 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, yard or set-back requirements of this district.

3.014 EXCEPTIONS

- 3.0141 When a developer of four (4) or more acres of land submits plans for an entire development program, with the objective of providing suitable view, ample yard area and other aesthetic conditions in harmony with the neighborhood, the Planning Commission may waive the front, side or rear yard requirements if it holds that the proposed design is in the best interest of the public and adequate to provide desirable places in which to live and work.
- 3.0142 If topographical or other conditions exist which make these requirements unreasonable, the Board of Adjustment may waive the front, side or rear yard requirements.

4.00 ~~COMMERCIAL~~ DISTRICTS.

4.10 LOCAL COMMERCIAL DISTRICT C-4

4.11 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:

4.111 Any use permitted in an R-7, R-4 or A-2 district.

4.112 Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:

- (a) Antique shop
- (b) Art gallery
- (c) Bakery goods - two (2) employees or less
- (d) Barber shop or beauty parlor
- (e) Book or stationery store
- (f) Clothes cleaning agency or pressing establishment
- (g) Confectionery store
- (h) Custom dressmaking or millinery shop
- (i) Drug store
- (j) Dry goods or notions store
- (k) Florist or gift shop
- (l) Grocery, fruit, or vegetable store
- (m) Hardware or electric appliance store
- (n) Jewelry store
- (o) Laundry agency
- (p) Meat market or delicatessen store
- (q) Office, business or professional
- (r) Photographer
- (s) Off-street parking and loading areas when located and developed as required in Section 6.20.
- (t) Radio and television sales and service

- (u) ~~Self-service Laundry~~
- (v) Shoe store or shoe repair shop
- (w) Tailor, clothing or wearing apparel shop
- (x) Accessory buildings when located on the same lot.

4.113 Any other use held similar to the above uses, as approved by the Planning Commission.

4.12 RESTRICTIONS.

4.121 Lot Size. The minimum lot size for all dwelling units shall meet the requirements of the A-2 Apartment Residential District.

4.122 Yard Requirements.

- (a) Front Yard. There shall be a front yard having a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the set-backs of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the set-back shall be the set-back of the occupied lot, plus one half the remaining distance to the required twenty (20) foot set-back. If neither of the abutting side lots or tracts are occupied by a structure, the set-back shall be twenty (20) feet.
- (b) Side Yards. None except property abutting a residential district, in which case the side yard on the abutting side shall be the same as the abutting property. On a side abutting a street the set-back shall be a minimum of ten (10) feet for all structures. Side yards for dwelling units shall meet the requirements of the A-2 Apartment residential district.
- (c) Rear Yard. None. However, if a rear yard is provided, the minimum depth shall be twelve (12) feet.

4.123 Height Restrictions. Maximum height of any structure shall be two and one-half (2½) stories or thirty-five (35) feet, whichever is less.

4.124 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 6.20.

- 4.125 All lots in this district shall abut a street, or shall have such other access as deemed suitable by the Planning Commission.
- 4.126 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 4.127 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, yard or setback requirements of this district.
- 4.128 Any external sign displayed shall pertain only to the use conducted within the building. Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- 4.129 No Commercial structure or structures in this district shall exceed four thousand (4,000) square feet in ground floor area.

4.21 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:

4.211 Any use permitted in Section 4.112 of the C-4 Local Commercial District.

4.212 Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading area:

- (a) Retail store or business
- (b) Advertising sign or structure and bill board
- (c) Automobile service station (no repairs) with a sight obscuring fence at least six (6) feet and not more than seven (7) feet in height - unless otherwise specified by the Board of Adjustment.
- (d) Bank
- (e) Bath, turkish and the like
- (f) Bird store, pet shop or taxidermist
- (g) Business college or private school operated as a commercial enterprise
- (h) Blueprinting or photostating shop
- (i) Catering establishment
- (j) Cleaning establishment, using non-explosive and non-inflammable cleaning fluid
- (k) Department or furniture store
- (l) Frozen food locker, excluding wholesale storage
- (m) Hospital or sanitarium (except animal hospitals)
- (n) Hotel (Also allowed in A-2)
- (o) Ice storage house, not more than five (5) tons capacity
- (p) Interior decorating store
- (q) Medical or dental clinic and laboratory
- (r) Motion picture theatre

- (s) Music conservatory or music instruction
- (t) Newsstand
- (u) Nursery, flower or plant, provided that all incidental equipment and supplies are kept within a building or suitable lattice cover
- (v) Pawnshop
- (w) Restaurant, tea room, cafe or tavern
- (x) Second-hand store, if conducted wholly within a completely enclosed building
- (y) Studio - art, dance etc.
- (z) Trade or commercial school, if not objectionable due to noise, odor, vibration or other similar causes
- (aa) Wholesale merchandise broker, excluding wholesale storage
- (bb) Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (cc) Accessory buildings when located on the same lot

4.213 Any other use held similar to the above uses, as approved by the Planning Commission.

4.22 RESTRICTIONS.

4.221 Yard Requirements.

- (a) Front Yard. None.
- (b) Side Yard. None.
- (c) Rear Yard. None. However, if a rear yard is provided, the minimum depth shall be twelve (12) feet.

4.222 Height Restrictions. Maximum height of any structure shall be three (3) stories or forty-five (45) feet, whichever is less.

4.223 No new residence shall be permitted in this district except that related to the business or enterprise ~~allowed in this district such as janitor or night~~

watchman. Any such residence shall meet the requirements of the A-2 Apartment-Residential District.

- 4.224 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 6.20.
- 4.225 All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission.
- 4.226 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 4.227 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, yard or setback requirements of this district.
- 4.228 Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- *4.229 Advertising signs or structures or billboards, except those identifying the use conducted on the premises, shall not be located within five-hundred (500) feet of the R. H. Baldock Freeway, the T. H. Banfield Freeway, the Columbia River Express Highway, the Minnesota Freeway or any other freeway, if the advertising face is designed to be viewed from such highway. The Planning Commission may waive this provision on lots with front lines abutting on such highway if, after public hearing, the Commission finds such use to be in harmony with the commercial character of the area.

*Amended July 6, 1961

4.30 GENERAL COMMERCIAL DISTRICT C-2

4.31 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:

4.311 Any use permitted in the C-3 Retail Commercial District.

4.312 Any of the following uses:

- (a) Amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, penny arcade, shooting gallery, and the like, if conducted wholly within a completely enclosed building.
- (b) Auditorium, if parking space is provided as required in Section 6.20.
- (c) Automobile service station, provided that any tube and tire repairing, battery charging, lubrication or washing, and storage of merchandise and supplies not conducted wholly within a building, shall be permitted only if a sight-obscuring fence not less than six (6) feet nor more than seven (7) feet in height is erected and maintained between such uses and any adjoining residential district.
- (d) Automobile and trailer sales area, provided:
 - (1) a sight-obscuring fence not less than six (6) feet nor more than seven (7) feet in height is erected and maintained between such uses and any adjoining residential district, and
 - (2) that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.
- (e) Carpenter shop or cabinet shop, upholstering of furniture, if conducted wholly within a completely enclosed building.
- (f) Circus or carnival.
- (g) Custom Cannery.
- (h) Film exchange.
- (i) Lumber yard - retail only - any open storage to be enclosed with a sight-obscuring fence.

not less than six (6) feet nor more than seven (7) feet in height unless otherwise specified by the Board of Adjustment.

- (j) Drive-in theatre
- (k) Plumbing shop, if conducted wholly within a completely enclosed building
- (l) Printing, lithographing or publishing
- (m) Public garage, including automobile repairing, and incidental automobile body and fender work, painting or upholstering, if all operations are conducted wholly within a completely enclosed building. Provided, however, that where a public garage is located on a lot which does not abut upon an alley and is within fifty (50) feet of a lot in any residential district, the garage wall, which parallels the nearest line of such district, shall have no openings other than stationary windows to admit light.
- (n) Sign painting shop, if conducted wholly within a completely enclosed building.
- (o) Tire shop operated wholly within a building.
- (p) The following uses may also be permitted if their location is first approved by the Planning Commission:
 - (1) mortuary or funeral home
 - (2) public camp
 - (3) baseball or football stadium
 - (4) animal hospital or boarding kennels
- (q) Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (r) Accessory buildings when located on the same lot.

4.313 Any other use held similar to the above uses, as approved by the Planning Commission.

4.32 RESTRICTIONS.

4.321 Yard Requirements.

- (a) Front Yard. None
- (b) Side Yard. None
- (c) Rear Yard. None. However, if a rear yard is provided, the minimum depth shall be twelve (12) feet.

- 4.322 Height Restrictions. Maximum height of any structure shall be three (3) stories or forty-five (45) feet, whichever is less.
- 4.323 No new residence shall be permitted in this district except that related to the business or enterprise allowed in this district such as janitor or night watchman. Any such residence shall meet the requirements of the A-2 Apartment-Residential District.
- 4.324 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 6.20.
- 4.325 All lots in this district shall abut a street, or shall have other access held suitable by the Planning Commission.
- 4.326 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 4.327 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, yard or setback requirements of this district.
- 4.328 Artificially illuminated signs shall not be permitted if they face an abutting residential district.
- *4.329 Advertising signs or structures or billboards, except those identifying the use conducted on the premises, shall not be located within five-hundred (500) feet of the R. H. Baldock Freeway, the T. H. Banfield Freeway, the Columbia River Express Highway, the Minnesota Freeway or any other freeway if the advertising face is designed to be viewed from such highway. The Planning Commission may waive this provision on lots with front lines abutting on such highway if, after public hearing, the Commission finds such use to be in harmony with the commercial character of the area.

*Amended July 6, 1961

5.00 MANUFACTURING DISTRICTS

5.10 MANUFACTURING - INDUSTRIAL PARK DISTRICT M-4

5.11 USES. No building, structure or land shall be used, and no building shall be hereafter erected, altered, or enlarged in this district except for the following uses, each subject to the review and approval of the Planning Commission:

*5.111 Any use permitted in a C-2 General Commercial District may be permitted after a public hearing before the Planning Commission.

5.112 Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading:

- (a) Professional, executive and administrative offices
- (b) Research, experimental or testing laboratories
- (c) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders.
- (d) Trade or commercial school, if not objectionable due to noise, odor, vibration or other similar cases.
- (e) Other assembly or limited manufacturing uses, of a similar nature, when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the Planning Commission.
- (f) Uses customarily incident to any of the above uses when located on the same lot, provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (g) Accessory buildings when located on the same lot.

5.12 RESTRICTIONS.

5.121 Lot Size. The minimum lot size shall be two (2) acres. The minimum lot width and depth shall be one-hundred and fifty (150) feet.

5.122 Yard Requirements

- (a) Front Yard. There shall be a front yard having a minimum depth of thirty (30) feet.
- (b) Side Yard. Side yards shall be a minimum of twenty (20) feet. On corner lots the side yard shall be a minimum of thirty (30) feet on the side abutting the street.
- (c) Rear Yard. There shall be a rear yard with a minimum depth of twenty (20) feet.
- (d) All required yards and any other open areas, except areas for off-street parking and loading, shall be provided with tree plantings, fences, hedges or walls or other conditions necessary to preserve the character of this district. The Planning Commission shall determine what these conditions shall be.
- (e) If any use in this district abuts or faces any residential district, a setback of fifty (50) feet on the side abutting or facing the residential district shall be provided with landscaping or other conditions as in (d) above.

5.123 Height Restrictions. The maximum height for any structure shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, whichever is less, unless the Board of Adjustment determines that a greater height is in keeping with the general character of this district and the surrounding neighborhood.

5.124 Lot Coverage. The maximum area that may be covered by the main building and accessory buildings shall not exceed forty percent (40%) of the total area of the lot.

5.125 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 6.20. No off-street parking or loading area shall be provided or maintained within any yard or set-back as required herein, where such yard or set-back abuts or faces any residential district.

5.126 No new residence shall be permitted in this district, except that related to the use allowed in this district, such as janitor or night watchman. Any such residence shall meet the requirements of the A-2 Apartment Residential District, or this district, whichever are greater.

5.127 All lots in this district shall abut a street, or shall have other access held suitable by the planning Commission.

5.128 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.

5.129 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, yard or setback requirements of this district.

5.130 Artificially illuminated signs shall not be permitted if they face an abutting residential district.

5.20 LIGHT MANUFACTURING DISTRICT M-3

5.21 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:

5.211 Any use permitted in a M-4 Limited Manufacturing district.

5.212 Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading:

- (a) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food and beverage products except sauerkraut, vinegar or pickles.
- (b) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not employing a boiling process.
- (c) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay.
- (d) The manufacture and maintenance of electric and neon signs, billboards or commercial advertising structures.
- (e) The manufacture of musical instruments, toys, novelties, or rubber or metal stamps.
- (f) Blacksmith shop or machine shop not using drop-hammer or punch press.
- (g) Distribution plant or parcel delivery with off-street loading bay.
- (h) Electroplating shop.
- (i) Laundry for carpets, overalls, rags and rug cleaning, using non-explosive and non-inflammable cleaning fluid.

- (j) Spinning or knitting of cotton, wool, flax or other fibrous materials, not using power looms.
- (k) Stone, marble and granite monument works.
- (l) Veterinary, or dog or cat hospital, but not kennels or animal boarding place.
- (m) Wholesale business, storage buildings and warehouses.
- (n) Lumber yards, retail and wholesale. Any open storage to be enclosed with a sight-obscuring fence not less than six (6) feet nor more than seven (7) feet in height unless otherwise specified by the Board of Adjustment.
- (o) Accessory buildings when located on the same lot.

5.213 Any other use held similar to the above uses, as approved by the Planning Commission.

5.22 RESTRICTIONS.

5.221 Yard Requirements.

- (a) Front, side and rear: None unless this property abuts a parcel of land of more restricted nature such as a commercial district, in which case the requirements on the abutting side shall be those of the abutting property. If an established building line exists, the setback shall be the same as the established building line as determined by the Board of Adjustment.
- (b)* If any use in this district abuts or faces any residential district, a setback of fifty (50) feet on the side abutting or facing the residential district may be required, with tree plantings or other conditions necessary to preserve the character of the residential district. The Planning Commission shall determine what these conditions shall be.

5.222 Height Restrictions. The maximum height for any structure shall be three (3) stories or forty-five (45) feet, whichever is less, unless the Board of Adjustment determines that a greater height is in keeping with the general character of the neighborhood.

5.223 No new permanent residence, school or institution not incidental to the above uses shall be permitted in this district. Any permitted residence shall meet the requirements of the A-2 Apartment-Residential District.

- 5.224 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 6.20.
- 5.225 All lots in this district shall abut a street, or shall have other access held suitable by the Planning Commission.
- 5.226 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 5.227 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, yard or setback requirements of this district.
- 5.228 Artificially illuminated signs shall not be permitted if they face an adjoining residential district.

5.30 GENERAL MANUFACTURING DISTRICT M-2

5.31 USES. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered or enlarged in this district, except for the following uses:

5.311 Any use permitted in an M-3 light manufacturing district.

5.312 Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading:

- (a) Automobile wrecking.
- (b) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire-retreading or recapping and battery manufacturing.
- (c) Blacksmith shop or machine shop with drop-hammer or punch press.
- (d) Bottle manufacturing plant.
- (e) Can manufacture.
- (f) Dry cleaning or dyeing, using explosive materials.
- (g) Emery cloth or other abrasive materials manufacture.
- (h) Enameling and metal coating (galvanizing).
- (i) Feed and fuel storage.
- (j) Fish smoking, curing and canning.
- (k) Fabrication plant and ornamental metal works.
- (l) Flour milling, grain storage or elevator.
- (m) Ice and cold storage plant.
- (n) Junk, rags, paper or metal storage and sorting, collecting or baling.
- (o) Mattress factory, building and renovating.
- (p) Pickle, sauerkraut or vinegar manufacture.

- (q) Planing mill.
- (r) Plastics manufacturing.
- (s) Poultry and rabbit slaughter.
- (t) Rubber or gutta percha manufacture.
- (u) Sheet metal shop and other manufacturing of similar nature.
- (v) Soap and cleaning compounds manufacturing other than those that are highly combustible, explosive or offensive in smell.
- (w) Tool and hardware manufacturing.
- (x) Weaving of cotton, wool, flax and other fibrous material using power looms.
- (y) Wool pulling or scouring.
- (z) Welding shop.
- (aa) Yeast plant.
- (bb) Accessory buildings when located on the same lot.

5.313 Any of the following uses are permitted in open storage provided a suitable sight-obscuring fence, approved by the Board of Adjustment, is erected surrounding the open storage except for suitable access and egress openings:

- (a) Building materials sales yard, including the sales of rock, sand, gravel and the like, as an incidental part of the main business, but excluding concrete mixing.
- (b) Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors.
- (c) Engine manufacturing.
- (d) Freightage or trucking yard or terminal.
- (e) Lumber yards including incidental mill work.
- (f) Small boat building (except ship building)

5.314 Any other use held similar to the above uses, as approved by the Planning Commission.

5.32 RESTRICTIONS

5.321 Yard Requirements.

- (a) Front, side and rear. None unless this property abuts a parcel of land of more restricted nature such as a commercial district, in which case the requirements on the abutting side shall be those of the abutting property. If an established building line exists, the setback shall be the same as the established building line as determined by the Board of Adjustment.
- (b)* If any use in this district abuts or faces any residential district, a setback of fifty (50) feet on the side abutting or facing the residential district may be required, with tree plantings or other conditions necessary to preserve the character of the residential district. The Planning Commission shall determine what these conditions shall be.

5.322 Height Restrictions. The maximum height for any structure shall be three (3) stories or forty-five (45) feet, whichever is less, unless the Board of Adjustment determines that a greater height is in keeping with the general character of the neighborhood.

5.323 No new permanent residence, school or institution not incidental to the above uses shall be permitted in this district. Any permitted residence shall meet the requirements of the A-2 apartment-residential district.

5.324 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 6.20.

5.325 All lots in this district shall abut a street or shall have such other access held suitable by the Planning Commission.

5.326 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.

*Amended December 22, 1960

- 5.327 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, yard or setback requirements of this district.
- 5.328 Artificially illuminated signs shall not be permitted if they face a residential district.

5.40 HEAVY MANUFACTURING DISTRICT M-1

5.41 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:

5.411 Any use permitted in an M-2 General Manufacturing District, including open storage, provided a fence, as approved by the Board of Adjustment surrounds it.

5.412 Any of the following uses:

- (a) Animal black or bone black manufacture, asphalt manufacturing, refining and storage.
- (b) Auto wrecking yard.
- (c) Blast furnace.
- (d) Boiler works.
- (e) Brick, tile or terra cotta manufacture.
- (f) Creosote treatment or manufacture.
- (g) Chemical manufacture (industrial, insecticide and fungicides or miscellaneous chemicals)
- (h) Fertilizer manufacture.
- (i) Foundry.
- (j) Forging.
- (k) Gas manufacture of a highly combustible nature, or gas being pressurized, which would, because of its nature, be explosive.
- (l) Junk yard.
- (m) Ore reduction.
- (n) Paper or pulp manufacture.
- (o) Paint, varnish, etc. manufacture.
- (p) Petroleum or coal products manufacture.
- (q) Petroleum storage, wholesale.
- (r) Plywood, veneer or shingle mill.

- (s) Processing and packing of livestock including sheds and pens.
- (t) Sawmill or planing mill.
- (u) Ship building.
- (v) Surface mining or rock crusher.
- (w) Tannery.
- (x) Accessory buildings when located on the same lot.

5.413 Any of the following uses and those of a similar nature shall be located a minimum distance of five hundred (500) feet from the boundary line of a more restricted district.

- (a) Acid manufacture.
- (b) Cement, lime, gypsum or plaster of Paris manufacture.
- (c) Distillation of bones.
- (d) Drop forge which causes undue noise and vibration.
- (e) Explosives manufacturing or storage.
- (f) Petroleum storage and/or refining.
- (g) Fat rendering.
- (h) Incinerator or reduction of garbage offal, dead animals or refuse.

5.414 Any other use held similar to the above uses, as approved by the Planning Commission.

5.42 RESTRICTIONS.

5.421 Yard Requirements.

- (a) Front, Side and Rear. None unless this property abuts or faces a parcel of land of more restricted nature such as a commercial district, in which case the requirements on the abutting or facing side shall be those of the abutting or facing property. If an established building line exists, the set-back shall be the same as the established building line as determined by the Board of Adjustment.

- (b)* If any use in this district abuts or faces any residential district, a setback of fifty (50) feet, on the side abutting or facing the residential district may be required, with tree plantings or other conditions necessary to preserve the character of the residential district. The Planning Commission shall determine what these conditions shall be.
- 5.422 Height Restrictions. The maximum height of any structure shall be four (4) stories or sixty (60) feet, whichever is less, unless the Board of Adjustment holds that a greater height is in keeping with the general character of the neighborhood.
- 5.423 No new permanent residence, school, or institution not incidental to the above uses shall be permitted in this district. Any permitted residence shall meet the requirements of the A-2 Apartment-Residential District.
- 5.424 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Section 6.20.
- 5.425 All lots in this district shall abut a street, or shall have other access held suitable by the Planning Commission.
- 5.426 Half Streets. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback 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 the additional yard or setback requirements in such cases.
- 5.427 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, yard or setback requirements of this district.
- 5.428 Artificially illuminated signs are not permitted if they face an abutting residential district.
- 5.429 All uses permitted only in this district, shall have the approval of the State Air Pollution Commission in writing before a building permit is issued.

*Amended December 22, 1960

5.430 Surface mining or rock crushing shall meet the following requirements:

- (a) No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one (1) foot horizontal for one (1) foot vertical.
- (b) No mining, quarrying, excavating or processing of material shall be permitted closer than one hundred (100) feet from the boundaries of a Residential or Commercial district.
- (c) Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring fence, except for reasonable areas of access and egress, as designated by the Board of Adjustment.
- (d) No permanent structure, such as rock crusher, washer or sorter, shall be located closer than five hundred (500) feet from any district boundary.

6.00 SPECIAL DISTRICTS. The following districts, and conditions therein, shall be applied to any zoning district which the Planning Commission deems necessary to carry out the intention of this ordinance

6.10 AIRPORT LANDING FIELD DISTRICT L-f

6.11 USES.

6.111 Any use permitted in the zoning district in which the land is located, except as hereinafter provided.

6.112 Air field.

6.12 RESTRICTIONS.

6.121 The height of any structure or part of a structure, such as a chimney, tower, antenna, etc., shall be limited according to requirements established by the Planning Commission or by other municipal or governmental authorities.

6.122 In approach zones to air fields, as designated by the Planning Commission, no meeting place for public or private purposes which is designed to accommodate more than twenty-five (25) persons at one time, shall be permitted.

6.20 ~~OFF-STREET PARKING AND LOADING DISTRICT O-P~~

6.21 USES. Off-street parking and loading.

6.22 RESTRICTIONS. At the time of the erection of a new building, or an addition to an existing building, or the intensification (change) of the use of an existing building, structure or land, off-street parking and loading space shall be provided according to the following requirements:

6.221 Standards of Measurement: "Square feet" means square feet of floor or land area primary to the functioning of the particular use of the property and excluding space devoted to off-street parking and loading.

6.222 Off-street parking and loading spaces in streets or alleys shall not be eligible in the fulfillment of any part of these parking and loading requirements.

6.223 All parking areas, except residential parking for six (6) spaces or less, shall provide for the turning, maneuvering and parking of the required number of vehicles on the lot.

6.224 Minimum required off-street parking spaces:

USEPARKING SPACES REQUIRED

(a) Dwelling and other living units.	(1)	Single-family dwelling	One (1) space for each dwelling unit
	(2)	Two-family dwelling	One (1) space for each dwelling unit
	(3)	Apartment dwelling	One (1) space for each dwelling unit for the first twenty (20) dwelling units plus three (3) additional parking spaces for each additional four (4) dwelling units
	(4)	Residential hotel, fraternity, rooming or boarding house	One (1) space for each five (5) guest accommodations
	(5)	Motel or tourist court	One (1) space for each guest room or suite

USE

PARKING SPACES REQUIRED

- | | | |
|-----|-------------------------------------|---|
| (6) | Convalescent home or sanitarium | One (1) space for each six (6) beds for patients plus one (1) additional space for each two (2) employees |
| (7) | Institution for the aged | One (1) space for each six (6) beds for patients plus one (1) additional space for each two (2) employees |
| (8) | Institution for children | One (1) space for each six (6) beds for patients plus one (1) additional space for each two (2) employees |
| (9) | Welfare or correctional institution | One (1) space for each six (6) beds for patients plus one (1) additional space for each two (2) employees |

(b) Club or association**(1) Club or association**

These shall be treated as combinations of uses such as hotel, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided

(2) Hospital

One (1) space for each two (2) beds, including bassinets

(c) Commerce and Industry**(1) Retail stores other than in item (2) below**

One (1) space for each seven hundred (700) square feet plus one (1) space for each two (2) employees

(2) Service or repair shop and retail store handling bulky merchandise such as automobiles and furniture

One (1) space for each one thousand (1,000) square feet plus one (1) space for each two (2) employees

USE

PARKING SPACES REQUIRED

- | | |
|--|---|
| (3) Bank or office including medical and dental | One (1) space for each four hundred (400) square feet plus one (1) space for each two (2) employees |
| (4) Restaurant, tavern or bar | One (1) space for each one hundred (100) square feet of table, bar, dance floor, and other patron serving area plus one (1) space for each two (2) employees |
| (5) Transient hotel | One (1) space for each five (5) guest rooms plus one (1) space for each two (2) employees, and additional spaces as required for restaurants, bars, and rooms of public assembly |
| (6) Mortuary | One (1) space for each one hundred and fifty (150) square feet of area in rooms to which the public has access plus one (1) space for each two (2) employees |
| (7) Passenger terminal (bus, air or rail) | One (1) space for each one thousand (1,000) square feet |
| (8) Wholesale or freight terminal (water, air, rail or trucking) | One (1) space for each two thousand (2,000) square feet for the first ten thousand (10,000) square feet with one additional space for each additional ten thousand (10,000) square feet |
| (9) Storage | One (1) space for each five thousand (5,000) square feet for the first twenty thousand (20,000) square feet plus one (1) additional space for each additional fifty thousand (50,000) square feet |

USE

PARKING SPACES REQUIRED

	(10)	Manufacturing	One (1) space for each two (2) employees on the largest shift
(d)		Sports and commercial amusement	
	(1)	Stadium or race track	One (1) space for each twelve (12) seats or twenty-four (24) feet of bench length for spectators
	(2)	Indoor arena or theatre	One (1) space for each eight (8) seats or sixteen (16) feet of bench length for spectators
	(3)	Bowling alley	One (1) space for each alley plus one (1) space for each two (2) employees
	(4)	Dance hall or skating rink	One (1) space for each one hundred and fifty (150) square feet of patron area plus one (1) space for each four (4) employees
	(5)	Golf driving range	One (1) space for each ten (10) linear feet of driving line
	(6)	Amusement park	One (1) space for each one thousand (1,000) square feet of patron serving area
(e)		Church, school or other place of public assembly	
	(1)	Auditorium or meeting room, except schools	One (1) space for each eight (8) seats or sixteen (16) feet of bench length for spectators
	(2)	Library	One (1) space for each four hundred (400) square feet of reading room
	(3)	Church	One (1) space for each eight (8) seats or sixteen (16) feet of bench length in the auditorium
	(4)	College or commercial school for adults	One (1) space for each six (6) seats in classrooms plus one (1) space for each employee

USE	PARKING SPACES REQUIRED
(5) High school, elementary school, and other school	One (1) space for each twelve (12) seats or twenty-four (24) feet of bench length in the auditorium or assembly room plus one (1) space for each two (2) employees

6.225 Minimum required off-street loading spaces:

USE	SQUARE FEET OF FLOOR OR LAND AREA	MINIMUM LOADING SPACES REQUIRED
(a) Hotel	0 - 29,999	1
	30,000 - 69,999	2
	70,000 - 129,999	3
	130,000 - 219,999	4
	220,000 - 379,999	5
	380,000 - 699,999	6
	700,000 - 1,499,999	7
	OVER 1,500,000	8
(b) Local or general commercial	UNDER 5,001	0
	OVER 5,001	1
	5,000 - 24,999	1
	25,000 - 59,999	2
	60,000 - 99,999	3
	100,000 - 159,999	4
	160,000 - 249,999	5
	250,000 - 369,999	6
	370,000 - 579,999	7
	580,000 - 899,999	8
	900,000 - 2,999,999	9
	OVER 3,000,000	10

USE	SQUARE FEET OF FLOOR OR LAND AREA	MINIMUM LOADING SPACES REQUIRED
(c) Manufacturing, wholesale storage, or hospital	UNDER 5,001	0
	OVER 5,001	1
	5,000 - 39,999	1
	40,000 - 99,999	2
	100,000 - 159,999	3
	160,000 - 239,999	4
	240,000 - 319,999	5
	320,000 - 399,999	6
	400,000 - 489,999	7
	490,000 - 579,999	8
	580,000 - 669,999	9
	670,000 - 759,999	10
	760,000 - 849,999	11
	850,000 - 939,999	12
	940,000 - 1,029,999	13
	OVER 1,030,000	14
<hr/>		
(d) Motion picture theatre		1
(e) Apartment residential		One (1) loading space for each fifty (50) dwelling units
(f) Public or semi-public use		Treated as mixed uses
(g) Office or bank		Same as local and general commercial
(h) Commercial amusement		Same as local and general commercial, excluding motion picture theatres

6.23 GENERAL REQUIREMENTS: PARKING AND LOADING

- 6.2301 Residential parking for six (6) spaces or less are exempt from these General Requirements.
- 6.2302 The designation of an area for Off-Street Parking and Loading (O-P) shall not permit the use of this land for any other purpose without formal hearing and change of district. The provision for and maintenance of off-street parking and loading facilities shall be a continued obligation of the property owner. No building permit or other kind of permit shall be issued until satisfactory evidence is presented that

property is, and will remain, available for the designated use as a parking or loading facility.

- 6.2303 Requirements for structures or uses not specifically listed shall be determined by written decision of the Planning Commission. These requirements shall become part of the requirements of this Ordinance upon approval of the Board of County Commissioners.
- 6.2304 Off-street parking or loading spaces existing prior to the effective date of this Ordinance may be included in the amount necessary to meet these requirements in case of subsequent enlargements of the building or change of use to which such spaces are accessory.
- 6.2305 In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total floor area concerned with the change in use.
- 6.2306 Any change of use concerning any properties shall be unlawful unless reported by the owner, in writing, to the Building Department within thirty (30) days before such change. Where such change indicates an increase in parking or loading requirements the Building Department shall order such an increase.
- 6.2307 Required parking or loading spaces not within a garage, carport or other structure may be located within the required front, side or rear yards or court on the lot of the primary use in any district, unless otherwise specified herein.
- 6.2308 All areas used for parking and maneuvering of vehicles shall be surfaced with screened gravel or crushed rock, or better, and shall provide for suitable drainage, all in accordance with standards established by the County Roadmaster.
- 6.2309 Artificial lighting which may be provided shall be deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any road.
- 6.2310 Signs which are provided on lots or spaces located in residential districts shall fulfill the sign requirements of the particular residential district, and shall be for the purpose of directing traffic only.
- 6.2311 In the event the owners of one or more adjoining properties containing different uses desire to utilize joint facilities the total requirement shall be the sum of the requirements for each individual use.

- 6.2312 Owners of two (2) or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases or contracts securing full access to such parking or loading areas for all the parties jointly using them.
- 6.2313 Required parking and loading areas shall be improved and in condition for use before the final inspection of the building is made, or a performance bond equivalent to the cost of completing such improvements shall be placed with the Building Department. If the improvement has not been completed within one and one-half ($1\frac{1}{2}$) years after issuance of the permit, the bond shall be forfeited.

6.24 GENERAL REQUIREMENTS: PARKING

- 6.241 Spaces required by this section shall be provided on the site of the primary use, or within three hundred (300) feet therefrom, measured in a straight line from the property line to the nearest parking space. Streets and alleys shall be included in the measurement.
- 6.242 Required parking spaces shall be available for the parking of passenger automobiles of customers, patrons and employees only. No parking of trucks, equipment, or the conduct of any business activity shall be permitted on the required parking spaces.
- 6.243 Where the boundary of a parking lot adjoins a residential district, such parking lot shall be screened by a sight obscuring fence. The screening shall be continuous along that boundary, and shall be at least five (5) feet but not more than six (6) feet in height. Where conditions exist that make this requirement impractical, the Board of Adjustment shall determine the height necessary to fulfill the intent of this requirement.
- 6.244 Parking spaces along outer boundaries of a parking lot shall be provided with a bumper rail or curbing at least four (4) inches in height, and at least one (1) foot from the lot line.
- 6.245 Each parking space shall be of usable shape and accessible from a street or other right-of-way, and the access shall be of a width and location established by the County Roadmaster. In no case shall such access be less than twenty (20) feet wide for commercial or non-residential off-street parking, or nine (9) feet for residential off-street parking.

- 6.246 A plot plan showing the dimensions, legal description and layout, grade, drainage and abutting land use, of the off-street parking area shall be submitted in duplicate to the Building Department for approval.

6.25 GENERAL REQUIREMENTS: LOADING

- 6.2501 Loading spaces and maneuvering area shall be located only on or abutting the property served.
- 6.2502 Required loading spaces shall be available for the loading and unloading of vehicles concerned with the transportation of goods and services. Excepting residential and local commercial districts only, loading areas shall not be used for any other purpose than such loading or unloading. In any district it shall be unlawful to store or accumulate goods in a loading area in a manner which would render such an area useless for loading operations.
- 6.2503 The minimum length and width of loading spaces shall be according to the following requirements:

USE	LENGTH IN LINEAR FEET	WIDTH IN LINEAR FEET
(a) Hotel, local or general commercial, motion picture theatre, office or bank, commercial amusement, or hospital	35	12
(b) Industry, wholesale storage	60	12
(c) Apartment residential	25	12

- 6.2504 Areas required for off-street loading for Local Commercial (C-4) and residential districts only may be included in areas devoted to parking required by this Section
- 6.2505 Off-street loading areas shall be screened by a sight-obscuring fence of a height determined by the Board of Adjustment. Where the boundary of a loading area adjoins a residential district, the screening shall be continuous along that boundary.
- 6.2506 Each loading area shall be of useable shape and accessible from a street or alley by driveways or aisles at least twelve (12) feet wide.
- 6.2507 Every off-street loading area shall provide a minimum clearance height of thirteen (13) feet.

- 6.2508 The owner of property required to have one or more loading spaces shall provide a plan drawn to scale indicating how such requirements are to be fulfilled.
- 6.2509 The plan shall be submitted to the Building Department and the County Roadmaster for approval.

7.10 USES. The following uses, and those of a similar nature, may be permitted in any district provided such is consistent with the purposes of this ordinance and when approved at a public hearing by the Planning Commission:

- (a) Boat moorage
- (b) Cemetery, crematory, mausoleum
- (c) Dump
- (d) Government building or use
- (e) Hospital, sanitarium, rest home, or educational institution
- (f) Library
- (g) Livery stable or riding academy
- (h) Park, playground, sports area, golf course, and recreational uses of a similar nature
- (i) Philanthropic or eleemosynary institution
- (j) Power substation and other public utility buildings or uses
- (k) Private club, fraternal organization, lodge
- (l) Radio or television station or tower
- (m) Resort, dude ranch, hunting or fishing lodge
- (n) Telephone exchange
- (o) Any of the above uses, or those of a similar nature, existing in any district at the time of the establishment of such district.

7.11 The following uses shall be permitted in any district and are subject to the review of the Planning Commission:

- (a) Church
- (b) School

7.20 RESTRICTIONS: These buildings and uses shall meet the following requirements:

7.21 Churches, schools and other community buildings yard requirements:

- (a) In F-2, R-40, R-30, R-20 and R-10 Single Family Residential Districts the front yard shall be thirty (30) feet;

the side yards for one (1) story buildings shall be twenty (20) feet; for two (2) story buildings twenty-five (25) feet; the rear yard shall be fifteen (15) feet.

- (b) In R7.5, R-7, R-4 and A-2 Residential Districts the front yard shall be thirty (30) feet; the side yards for one (1) story buildings shall be fifteen (15) feet; for two (2) story buildings twenty (20) feet; the rear yard shall be fifteen (15) feet.

7.22 Site sizes for schools shall be:

- (a) For Primary, Private and Parochial schools, one (1) acre for each ninety (90) pupils, or one (1) acre for each three (3) classrooms, whichever is greater.
- (b) For Elementary public schools, one (1) acre for each seventy-five (75) pupils, or one (1) acre for each two and one-half ($2\frac{1}{2}$) classrooms, whichever is greater.

7.23 Off-Street parking and loading shall be provided as required in Section 6.70.

7.24 The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and loading, construction standards and maintenance, which may be deemed necessary to protect public health, safety, and general welfare; to protect adjacent properties and the public interest.

8.00 GENERAL PROVISIONS

8.10 BOARD OF ADJUSTMENT

8.11 MEMBERS. A Board of Adjustment, composed of three (3) members of the Planning Commission shall be appointed by the Chairman of the Planning Commission.

8.12 DUTIES. Such Board shall consider and decide applications for temporary Permits, Variances from the Zoning Ordinance, waiver of setback requirements, height or sight-obscuring fence requirements, and any other duties as provided in this ordinance.

8.13 HEARINGS. A public hearing shall be held on all matters coming before the Board of Adjustment. Notice of such hearing shall be given to all persons deemed by the Board of Adjustment to be affected. The Board of Adjustment may table any item or continue any hearing in order to obtain additional pertinent information. Persons previously notified, and persons already heard, need not be notified of the resumption of said hearing unless so ordered by the Board of Adjustment.

8.14 APPROVAL. All approval of applications made by the Board of Adjustment shall be by majority vote.

8.20 NON-CONFORMING USES

8.21 A non-conforming structure or use may not be changed or altered in any manner except as otherwise provided herein, unless such change or alteration more nearly conforms with the regulations of the district in which it is located.

8.22 In case of destruction beyond reasonable repair, as determined by the Planning Commission, by fire or other causes, the non-conforming use shall not be rebuilt unless it conforms to all requirements of the district in which it is located.

8.23 If a non-conforming use is abandoned or discontinued for any reason for more than one year, it shall not be re-established unless specifically approved by the Planning Commission.

8.24 Any structure or use for which a building permit or land use permit has been issued, may be started within four (4) months after the effective date of this ordinance, though not conforming to these regulations.

8.25 Any non-conforming structure or use may be maintained with ordinary care.

8.30 CHANGES AND AMENDMENTS. Changes and amendments to the Zoning Ordinance may be proposed by:

8.31 Resolution of the Board of County Commissioners, or

8.32 Resolution of the Planning Commission, or

8.33 By petition of the property owners affected, or their authorized agent.

- 8.331 A Petition to amend the Zoning Ordinance shall be filed with the Planning Commission on forms prepared by the Planning Commission. If the petition is for an amendment to the Zoning Map it shall include the location of the property to be re-classified and the land shall be described with the degree of certainty required to be contained in an instrument of conveyance.
- 8.34 Planning Commission Hearing. A public hearing shall be held by the Planning Commission on all proposed changes and amendments to the Zoning Ordinance.
- 8.341 A resolution to approve a change or amendment must be by majority vote of the entire Commission. Such resolution together with relevant information and drafts of proposed ordinances shall be referred within thirty (30) days from the date of the vote to the Board of County Commissioners.
- 8.342 The Planning Commission may table any item and continue any hearing in order to obtain additional information. Persons previously notified as provided herein, need not be notified of the resumption of said hearing unless the Planning Commission so orders.
- 8.35 Notice. Notice of the time, place and purpose of the Planning Commission hearing shall be given in the following manner:
- 8.351 A hearing on a proposed amendment involving the Zoning Map: by public notices posted in three (3) conspicuous places in the affected area at least fifteen (15) days prior to the public hearing and by mailing a written notice not less than ten (10) days prior to the date of such hearing, to the

owners of all property proposed for zoning re-classification and other owners of property within at least one hundred and fifty (150) feet of the boundary of the area proposed for re-classification. Names for the purpose of such notification shall be obtained from the County Assessor's records. Failure to send notice by mail to any such property owner, where the address of such owner is not a matter of public record, shall not invalidate any proceedings in connection with a proposed amendment.

8.352 A hearing on a proposed amendment involving the written portion of this ordinance: by public notices posted in three (3) conspicuous places in the area affected at least fifteen (15) days prior to the public hearing and by publication of a notice in a newspaper of general circulation in Multnomah County not less than ten (10) days prior to the date of such hearing.

8.36 Board of County Commissioners Hearing.

After receipt of the resolution of the Planning Commission, the Board of County Commissioners shall hold a public hearing to consider such resolution and the findings and recommendations of the Planning Commission.

8.361 The Board of County Commissioners may adopt or reject the amendment, or any portion thereof, as set forth in the resolution, or may refer the matter back to the Planning Commission for reconsideration or for the preparation of appropriate ordinance drafts.

8.362 The Board of County Commissioners may table any item and continue any hearing in order to obtain additional information.

Persons previously notified, as provided herein, need not be notified of the resumption of said hearing unless the Board of County Commissioners so orders.

8.37 Notice. Notice of the time, place and purpose of Board of County Commissioners hearings as provided in Section 8.36, shall be given in the following manner:

8.371 A hearing on a proposed amendment involving the Zoning Map by mailing a written notice not less than five (5) days prior to the date of such hearing, to the owners of all property proposed for zoning re-classification and other owners of property within at least one hundred and fifty (150) feet of the boundary of the area proposed for re-classification. Names for the purpose of such notification shall be obtained from the County Assessor's records. Failure to send notice by mail to any such property owner, where the address of such owner is not a matter of public record, shall not invalidate any proceedings in connection with a proposed amendment.

8.372 A hearing on a proposed amendment involving the written portion of this ordinance by publication of a notice in a newspaper of general circulation in Multnomah County not less than five (5) days prior to the date of the hearing,

8.38 No petition for amendment of the Zoning Map which is similar to a petition previously denied shall be considered by the Planning Commission within six (6) months of the date of the final action on the previous petition unless, in the judgement of the Planning Commission, substantial changes have been made in the petition or in the area adjacent to the subject site.

8.40 Variances. The Board of Adjustment may permit and authorize a variance from the requirements of this ordinance only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the following conditions and facts exist:

8.41 Unusual circumstances or conditions applying to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district.

8.42 That such variance is necessary for the preservation and enjoyment of substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

8.43 That the authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located.

8.44 That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

8.45 A variance so authorized shall become void after the expiration of one (1) year if no substantial construction has taken place. The Board of Adjustment may impose whatever reasonable requirements it feels will fulfill the intent of this ordinance.

8.46 VARIANCES UNDER CERTAIN CONDITIONS.

In lieu of the provisions of Sections 8.10 and 8.40, the Planning Director is hereby authorized to grant variances in the setback, yard, height, coverage, lot size, width or depth requirements of this ordinance with the following procedures and

conditions:

- (a) Application shall be made on forms provided by the Planning Commission, shall set forth such information as the Planning Director may require, and shall be accompanied by the written consent to the granting of the variance signed by the owner or owners of each lot adjoining or across any street from the subject property.
- (b) The fee for such variance shall be one-half ($\frac{1}{2}$) the fee required by Section 13 of this ordinance.
- (c) After determining that the requirements of Section 8.40 of this ordinance have been met and that the size, shape, topography, or location of said site or the location of existing buildings, or other conditions cause compliance with the applicable requirements impossible without practical difficulty or hardship, the Planning Director may without notice or hearing, grant the variance for which the application is made, and may attach reasonable conditions thereto; provided, however, that the Planning Director shall not grant a variance in excess of twenty-five percent (25%) of the applicable requirements.
- (d) In the event the Planning Director declines to grant a variance requested pursuant to this Section, he shall notify the applicant stating the reasons therefore, and the applicant may within sixty (60) days after applying for such variance, file with the Planning Department an application for such variance pursuant to any other provisions of this ordinance and in such case the remaining one-half ($\frac{1}{2}$) of the required fee shall be charged for such second application.

8.50 **BOUNDARIES OF DISTRICTS.** District boundaries shall be the center line of either streets, alleys, waterways, or railway rights-of-way, unless such boundaries are otherwise indicated on the zoning map.

8.70 **TEMPORARY PERMITS.** Notwithstanding the limitations of use as established by this Ordinance in each of the several districts, the Board of Adjustment may issue temporary permits, valid for a period of not more than one (1) year after issuance, for structures, or uses which are of a temporary nature, such as:

8.71 Storage of equipment during the building of roads or developments.

8.72 Real Estate office used for the sale of lots or housing in subdivisions.

8.73 Temporary storage of structures or equipment, including boats and trailers.

8.74 Sheds used in conjunction with the building of a structure.

8.75 Temporary housing.

8.76 Other uses of a temporary nature when approved by the Board of Adjustment and the Board of County Commissioners.

8.77 The Board of Adjustment may attach conditions it deems necessary in regard to the proposed use to carry out the intent and purpose of this ordinance.

8.80 **ADMINISTRATION AND ENFORCEMENT.** It shall be the duty of the employees of the Planning Department to administer and enforce the provisions of this ordinance.

8.90 **PERMITS.** Permits shall be required within the boundaries of the area affected by this ordinance for the erection or the alteration of all structures or for new land uses.

8.91 In order to avoid possible error of description, the Planning Commission may require a land survey performed by a professional land surveyor or professional engineer, as part of the application for Zoning Map amendment, variance, temporary permit or other permit.

9.00 SAVING CLAUSE. If any article, section, sub-section, sub-division, phrase, clause, sentence or word in this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this Ordinance, but shall be confined to the article, section, sub-section, sub-division, clause, sentence or word so held invalid or unconstitutional.

10.00 CONFLICTING ORDINANCES OR RESOLUTIONS. All previously adopted ordinances, resolutions or parts thereof in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

11.00 Interpretation. It shall be the duty of the Planning Commission to interpret the Zoning Ordinance. These interpretations shall be in writing and shall be established as policy of the Planning Commission.

12.00 APPEALS AND PROCEDURE.

12.10 All decisions of the Board of Adjustment may be appealed, by any persons aggrieved thereby, to the Board of County Commissioners within ten (10) days of such decision.

12.101 Notice of appeal shall be filed in writing in the office of the Planning Commission.

12.102 The Board of County Commissioners shall hold a public hearing to consider such appeal and the decision

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12.102 The Board of County Commissioners shall hold a public hearing to consider such appeal and the decision

of the Board of Adjustment, and may affirm, reverse
or modify such decision in whole or in part.

- 12.103 The Board of County Commissioners may table any item and continue any hearing in order to obtain additional information. Persons previously notified as provided herein need not be notified of the resumption of said hearing unless the Board of County Commissioners so orders.
- 12.104 Notice of the time, place and purpose of the Board of County Commissioners hearing shall be given in the manner provided in Section 8.13.
- 12.20 All decisions of the Planning Commission may be appealed by any persons aggrieved thereby, to the Board of County Commissioners within ten (10) days of such decision.
- 12.201 Notice of appeal shall be filed in writing in the office of the Planning Commission.
- 12.202 The Board of County Commissioners shall hold a public hearing to consider such appeal and the decision of the Planning Commission. The Board of County Commissioners may affirm, modify, or reverse the decision of the Planning Commission in whole or in part, and may refer the matter back to the Planning Commission for reconsideration or to prepare appropriate ordinance drafts in accordance with the Board of County Commissioners determination.
- 12.203 The Board of County Commissioners may table any item and continue any hearing in order to obtain

additional information. Persons previously notified as provided herein need not be notified of the resumption of said hearing unless the Board of County Commissioners so order.

12.204 Notice of the time, place and purpose of the Board of County Commissioners hearing shall be given in the manner provided in Section 8.37.

13.00 FEES. Payable at the time of application:

13.01	Change in District Boundary Initiated by Individual Property Owners	\$25.00
13.02	Change in District Boundary Initiated by any Public Agency	No Charge
13.03	Community Service Use	\$25.00
13.04	OTHER USES WHICH REQUIRE HEARING: Sec. 3.9107, 3.9111, 5.11, etc.	25.00
13.05	Change in Non-Conforming Use	25.00
13.06	Variance and EXCEPTION	10.00
13.07	Temporary Permit	5.00
13.08	LAND USE PERMIT	2.50

additional information. Persons previously notified as provided herein need not be notified of the resumption of said hearing unless the Board of County Commissioners so order.

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13.06	Variance and EXCEPTION	10.00
13.07	Temporary Permit	5.00
13.08	LAND USE PERMIT	2.50

14.00 ENACTMENT. This ordinance shall be and is hereby declared to be in full force and effect from the date of passage.

Passed the FIFTEENTH day of NOVEMBER 1962.

W. J. Aiksworth Chairman

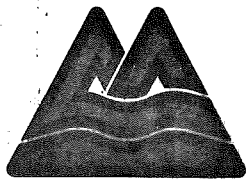
W. James Gleason County Commissioner

Jack Bain County Commissioner

ORDINANCE 148

8/18/77

**Legislative
History**



multnomah county planning commission

AGENDA

DATE: August 18, 1977

TIME: 7:30 P.M.

PLACE: Room 602, Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

- I CALL TO ORDER
- II ROLL CALL
- III COMMUNICATIONS
- IV MANAGER'S REPORT
- V PUBLIC HEARING

A. PC 6-77 Comprehensive Framework Plan and Zoning
District Regulations

Public hearing to consider for approval and recommendation to the Board of County Commissioners, Multnomah County, the proposed Comprehensive Framework Plan and Map (Draft Two) including the Willamette River Greenway Boundary and Exceptions statement to the Agricultural Goal; Zoning District Regulations for the Rural and Natural Resource areas and map; and Transportation Policies and Arterial Plan Map.

B. PC 11-77 Revised Transportation Policies, Strategies
and an Arterial Transportation Plan Map

Planning Commission Resolution approving Revised Transportation Policies, Strategies and an Arterial Transportation Plan Map to be incorporated into the Multnomah County Comprehensive Framework Plan.

VI. OTHER BUSINESS

V. ADJOURNMENT

BEFORE THE PLANNING COMMISSION
OF MULTNOMAH COUNTY, OREGON

In the Matter of Recommending Adoption)
by the Board of County Commissioners of)
a Comprehensive Framework Plan, Including)
a Willamette River Greenway Boundary; and)
Zoning Ordinance Text and Map Amendments)
Implementing the Framework Plan; and)
Recommending Repeal of Certain Portions)
of the Comprehensive Plan Adopted on)
October 6, 1964.)

R E S O L U T I O N

PC 6-77

WHEREAS, the Planning Commission of Multnomah County is authorized by Multnomah County Ordinance No. 133 to recommend to the Board of County Commissioners adoption of a comprehensive plan, and by Chapter 215, Oregon Revised Statutes, to recommend to the Board adoption of zoning, subdivision and other regulatory ordinances intended to carry out part or all of the plan; and

WHEREAS, the Planning Commission and the Multnomah County Department of Environmental Services have been working for the past two years on the preparation of a Comprehensive Framework Plan and revised zoning district regulations and maps which implement the Framework Plan, all designed to be in accord with the Statewide planning goals adopted by the Land Conservation and Development Commission; and

WHEREAS, the Planning Commission has held, over the past two years, over thirty-five public meetings throughout the County to identify community problems and needs, to draft and present plan proposals and proposed zoning district regulations and maps, to receive public comment and to provide information to the public concerning citizen participation in the land use planning process; and

WHEREAS, the Planning Commission has held five public hearings throughout the County to receive public comment on a draft Comprehensive Framework Plan and draft zoning district regulations and maps; and

WHEREAS, the Planning Commission has held five public hearings throughout the County for the purpose of considering requests by property owners and others for modifications of either the draft Comprehensive Framework Plan or the draft zoning district regulations and maps, as a result of which various revisions were made in the drafts; now, therefore,

BE IT RESOLVED, that the following documents be and hereby are approved by the Multnomah County Planning Commission and recommended to the Board of County Commissioners of Multnomah County for adoption:

1. The Multnomah County Comprehensive Framework Plan, Second Draft, as revised pursuant to "Proposed Changes and Corrections of Draft Two Comprehensive Framework Plan, August 4, 1977"; and the "Multnomah County Framework Plan Map, August 18, 1977";
2. Amendments to the text of Ordinance No. 100, as revised, pursuant to "Proposed Changes and Corrections of Draft Rural and Natural Resource Areas Zoning Ordinance Amendments, August 18, 1977," to:
 - a. Add the following new zoning districts: EFU-38, Exclusive Farm Use; CFU-38, Commercial Forest Use; MUA-20, Multiple Use Agriculture; MUF-20, Multiple Use Forest; RR, Rural Residential; and RC, Rural Center; and
 - b. Add or revise the following sections: RPD, Rural Planned Development; CU, Conditional Use; CS, Community Service; SEC, Significant Environmental Concern; WRG, Willamette River Greenway; and Definitions;
3. Amendments to Ordinance No. 100, amending the Multnomah County Zoning Map to apply thereto the new districts referred to in subparagraph 2.a. above, in areas of the County designated as Rural or Natural Resource on the Comprehensive Framework Plan Map; and

BE IT FURTHER RESOLVED, that the Planning Commission recommends repeal by the Board of County Commissioners of those portions of the Comprehensive Plan adopted October 6, 1964, which are designated by the Comprehensive Framework Plan Map as Rural or Natural Resource.

Dated this _____ day of August, 1977.

MULTNOMAH COUNTY PLANNING COMMISSION

By _____
Chairperson

APPROVED AS TO FORM:

John B. Leahy
County Counsel for
Multnomah County, Oregon

By _____
Laurence Kressel
Deputy County Counsel

/klw

BEFORE THE PLANNING COMMISSION
OF MULTNOMAH COUNTY, OREGON

In the Matter of Recommending Adoption)
by the Board of County Commissioners)
of Revised Transportation Policies,)
Strategies, and an Arterial Transport-)
ation Plan Map, Replacing Certain)
Portions of the Multnomah County Com-)
prehensive Framework Plan.)

R E S O L U T I O N

PC 11-77

WHEREAS, the Planning Commission of Multnomah County is authorized by Multnomah County Ordinance No. 133 to recommend to the Board of County Commissioners adoption of a comprehensive plan and parts thereof; and

WHEREAS, the Planning Commission has recommended, pursuant to PC 6.77, adoption by the Board of County Commissioners of a Comprehensive Framework Plan; and

WHEREAS, certain policies and strategies in the transportation section of the recommended Comprehensive Framework Plan should be replaced by a revised set of transportation policies and strategies and an Arterial Transportation Plan Map, which more fully and accurately reflect the Planning Commission's intent with regard to transportation policy; and

WHEREAS, the Planning Commission has held public hearings to consider and receive public comment on the revised

transportation policies, strategies, and Arterial Transportation Plan Map; now, therefore,

BE IT RESOLVED, that the "Revised Framework Plan Transportation Policies and Arterial Plan Map, July 1977", replacing policies and strategies Nos. 35 and 36, at Pages 328 - 343, of the Multnomah County Comprehensive Framework Plan, Second Draft, Revised, and including the "Proposed Changes to Transportation Section" as submitted by the City of Portland, August 9, 1977, are hereby approved and recommended for adoption by the Board of County Commissioners as part of the Multnomah County Comprehensive Framework Plan.

Dated this _____ day of August, 1977.

MULTNOMAH COUNTY PLANNING COMMISSION

By _____
Chairperson

APPROVED AS TO FORM:

John B. Leahy
County Counsel for
Multnomah County, Oregon

By _____
Laurence Kressel
Deputy County Counsel



MULTNOMAH COUNTY OREGON

TO: Martin Cramton
Adrianne Brockman

DATE: August 9, 1977

FROM: Bebe Rucker

SUBJECT: Revision of Transportation Policies and Arterial Transportation
Plan Map

The City of Portland has requested the following changes in the Transportation Section of the County Comprehensive Framework Plan.

On Page 2:

Major Arterial streets are generally four lanes, which can carry a large volume of intra-county traffic usually in excess of 20,000 vehicles per day. Their function is to serve intra-county trips, but not "through" trips, i.e., trips which do not have at least one trip end within the County area.

Minor Arterial streets can carry a daily traffic volume up to 14,000 or more. They can be two lane roads with right and left turn lanes at intersections and left hand turn lanes where needed or three lane roads, i.e., two travel lanes and a continuous turn lane or four lane roads. Minor arterials are to serve intra-county trips, i.e., trips with at least one trip ending within the surrounding County area. Minor arterials are streets characterized by their length and their significance in acting as distributors to a sizeable surrounding area. They derive this distributor significance from the discontinuity of parallel routes and thus assume more importance in distributing trips than collector streets.

Freeways are high speed roadways with grade separated interchanges. Their only function is to move traffic from one area to another and generally can carry traffic volumes in excess of 60,000 vehicles per day. A sizeable portion of freeway trips are "through" trips, i.e., trips which have not originated in or are not destined for the County area.

On the Arterial Transportation Plan Map:

Show 82nd Avenue as a Major Arterial instead of a Principal Arterial.

Omit as Minor Arterials, Taylor's Ferry Road between the County line and Boones Ferry Road, 45th Drive, Capitol Highway north of I-5, S.W. 35th Avenue, S.W. Stephenson, S.W. Lancaster, S.W. Arnold, N.W. Cornell Road and N.W. Skyline Road between N.W. Cornell and W. Burnside Road.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending Ordinance No. 100, establishing new districts to regulate development in areas designated "Rural or Natural Resource" by the Multnomah County Comprehensive Framework Plan; establishing standards and administrative review procedures for developments in the Willamette River Greenway and designated Areas of Significant Environmental Concern; adding and revising certain other sections and defining terms; all for the purpose of implementing various provisions of the Comprehensive Framework Plan.

Multnomah County ordains as follows:

SECTION 1

Ordinance #100 is amended by adding the following sub sections:

1.145 COTTAGE INDUSTRY A processing, assembling, packaging or storage industry, generally employing fewer than 20 persons, conducted wholly within an enclosed building located on a site isolated from other such uses, generating low traffic volumes and with little or no noise, smoke, odor, dust, glare or vibration detectable at any property line.

1.2106 FEED LOT Any pen, corral or structure wherein livestock are maintained in close quarters for the purpose of fattening for market.

1.255 HISTORICAL BUILDING Any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites, Buildings, and properties approved for nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

1.445 PLANNING DIRECTOR The Director of the Division of Planning and Development or the Director's delegate.

Section 2

The following subsections of Ordinance # 100 are amended to read:

1.07 APARTMENT Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

1.08 BASEMENT That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

1.10 BOARDING, LODGING OR ROOMING HOUSE Any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.

1.10 BUILDING Any structure used or intended for supporting or sheltering any use or occupancy.

1.13 BUILDING HEIGHT The vertical distance above Grade as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

1.140 CELLAR That portion of a building between floor and ceiling which is wholly or partly below grade, and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

1.17 DWELLING UNIT A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

1.22 FLOOR AREA The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

1.24 GRADE (Adjacent Ground Elevation) The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

1.53 STORY That portion of a building included between the upper surface of any floor and the upper surface of the floor next above.

If the finished floor level directly above a basement, cellar or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

1.56 STRUCTURE That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Section 3

Subsection 3.10 of Ordinance #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, ~~guidelines~~ and standards for farm uses and ~~for~~ ~~these~~ 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 ~~as provided in subsections 3.103.1 through 3.103.4~~ 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; ~~or~~
3. Dairying; ~~or~~
4. Any other agricultural or horticultural purpose or animal husbandry purpose or any combination thereof, except as provided in subsection 3.103.3 b;

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 ~~legal~~ 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, ~~and moved to a legal lot in this district~~ including ~~mobile or homes and modular homes~~, 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 constructed according to the standards of the Building Code, and 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, b, 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 2.1. and 3. of this subsection.~~
 2. ~~The location of the dwelling shall be subject to approval of the Planning Director or a finding that:~~
 - (a) ~~the use is needed to carry out a use listed in subsection 3.103.1.a, b, 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:

- The following uses may be permitted**
- a. ~~when approved by the Board of County Commissioners following a decision 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, play grounds, hunting and fishing preserves and campgrounds;
6. Parks, play grounds, 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 Board of County Commissioners following a decision 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 ~~by the Board of County Commissioners~~ that ~~the~~ dwelling:

(a) Is compatible with farm uses described in ~~paragraph (2)~~ ^{of subsection (2) of ORS 215.203} and is consistent with the intent and purposes set forth in ORS 215.243; ~~and~~

(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; ~~and~~

(c) Does not materially alter the stability of the overall land use pattern of the area; ~~and~~

(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; ~~and~~

(f) ~~(e)~~ Complies with such other conditions as the ~~Board~~ ^{Council} considers necessary;

(e) Complies with subparagraphs 1., 2. and 3 of subsection 3.103.2.2 if constructed off-site; and

~~c. When approved by the Hearings Council pursuant to the provisions of Section 7.50:~~

4.1. Raising any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;

5.2. Feed lots;

6.3. Raising of four or more swine over three months of age; ~~and~~

7.4. Raising of fur-bearing animals for sale at wholesale or retail;

B. Home occupations, pursuant to the 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.

3.103.4 ACCESSORY USES:

The boarding of horses for profit.

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

- ~~through~~
- 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; ~~except as provided in subsection 3.103.3 c. 2;~~
 - c. Signs, pursuant to the provisions of subsection 3.106;
 - d. Off-street parking and loading; ~~pursuant to subsection 6.20 through 6.2709;~~ and
 - e. Other structures or uses customarily incidental to any ~~permitted use~~ permitted or approved in this district.

3.104 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.103.2.b, 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} the lot if the street were vacated shall be included in calculating the size of such lot.

b. Minimum Front Lot Line Length	Maximum Structure Height		Minimum Yard Dimensions - feet			
	Stories	Feet	Front	Side	Street Side	Rear
50 feet	2½	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. c. Structures ~~or portions thereof~~ ^{or similar structures,} such as barns, silos, windmills, antennae, ~~or~~ chimneys, 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, ~~divided after the effective date of Ordinance #~~, when ~~in conjunction with farm use and~~ in compliance with the ~~dimensional~~ 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 ~~intent and~~ 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 Approval of more than two Lots of Exception from any Lot of Record shall be based on ~~the findings, by the Hearings Council~~ in addition to ~~those~~ required by subsection 3.104.1, that the proposal will not adversely affect the air, water, soil, environmental, economic and energy resources, ~~and~~

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 purposes described in subsection 3.101.

↳ Comprehensive Plan and the

- 3.104.13 The Planning Director may grant a Lot of Exception ^{based} on a findings ~~by the Director in addition to the findings required in 3.134.1~~, that the ~~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 ~~in the manner 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 ~~3~~; 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 ~~b2.~~ shall be based upon: A. the nature of the proposed use; B. the character of uses on adjacent property; and C. consideration of the purposes of this Ordinance.

- 3.104.4 Except as otherwise provided by subsection 3.104.1, 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 or setback~~ 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 ~~sub~~ Sections ~~6.20 through 6.2709~~.

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.

- ~~3.107.1~~ 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.*
- ~~3.107.2~~ The minimum front yard; side yard or setback requirements of subsection 3.1040.b shall be increased where the Hearings Council determines that a yard or set-back abuts a street having insufficient right-of-way width to serve the area. The Hearings Council shall determine the necessary right-of-way widths and the additional yard or set-back requirements not otherwise established by Ordinance.

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 ~~this~~ ordinance # —, 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 # —, 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.
1. The term "change of use", as used in subsection 3. means the change from one conditional use listed in subsection 3.103.3 to another such conditional use.

Section 4

Ordinance #100 is amended by adding subsection 3.11, as follows:

3.11 COMMERCIAL FOREST USE DISTRICT CFU-38

3.111 PURPOSES

the production of wood fibre and other forest

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber, ~~and related uses~~; to conserve and protect watersheds, wildlife habitats, and other forest associated uses; to protect scenic values; to provide for agricultural uses; to assure the orderly and planned development of public and private recreational and other uses which are compatible with forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

3.112 AREA AFFECTED

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

3.113 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 ~~as provided in subsection 3.113.1 through 3.113.5.~~ *for the following uses:*

3.113.1 PRIMARY USES

a. Forest *uses* 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;

as defined in ORS 215.203 (2)(a) (1977 Replacement Part),
c. *Farm use* for the following purposes only;

1. Raising and harvesting of 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 subsection 3.113.3b;
- d.e.* Public and private conservation areas and structures for the ~~protection~~ of water, soil, open-space, forest and wildlife resources; and
- e.d.* Residential use consisting of a single-family dwelling constructed on a ~~legal~~ lot.

3.113.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, ~~and moved to a legal lot in this district,~~ including ²mobile or modular homes, subject to the following conditions:
 1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
 2. ~~The dwelling shall be attached to a foundation constructed according to the standards of the Building Code, and 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 3.113.1a, or when the dwelling occupies the same lot as a residence permitted by subsections 3.113.1.e. or 3.113.2.a., subject to the following conditions:*
 1. *In the event the dwelling is constructed off-site, construction shall comply with subparagraphs 2.1. 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 3.113.1;*
 - (b) the standards of subsection 3.114b. 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.*
- c. Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicinity, subject to the following condition:

1. The location and design of any building, stand or sign in conjunction with wholesale and 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 Board of Adjustment ~~pursuant to~~ subsections 12.38 and 12.39.

3.113.3 CONDITIONAL USES

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

- ~~(1) is consistent with the character of the area and the natural resource base;~~
- ~~(2) will not conflict with the economic viability of forest or agricultural lands for continued use;~~
- ~~(3) will not require the extension of services beyond those programmed for the area;~~
- ~~(4) does not create a hazard; and~~
- ~~(5) satisfies the applicable policies in the Comprehensive Plan.~~

a. Community Service Uses pursuant to the provisions of Section 7.0:

b. The following Conditional Uses pursuant to the provisions of Section 7.50:

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. *Wood processing operations* other than those ~~as~~ specified in subsection 3.113.1.b;
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. Aircraft landing areas, in conjunction with forestry practices, notwithstanding the provisions of Section 6.10.

3.113.4 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 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 not more than 18 square feet, advertising the sale of products pursuant to the provisions of subsection 3.113.2.c;
- b. Off-street parking and loading; ~~pursuant to Section 7.20;~~
- ~~and~~
- c. ~~Home occupations; and~~
- d. Other structures or uses customarily accessory or incidental to any ~~permitted~~ use ~~permitted or approved in this district.~~

3.113.5 TEMPORARY USES

When approved pursuant to Subsections 12.71 and 12.72.

3.114 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.113.2.b, 3.114.1 and 3.115, 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 area of ~~such~~ lot.

b.

Minimum Front Lot Line Length	Maximum Structure Height Stories		Minimum Yard Dimensions - Feet			
			Front	Side	Street Side	Rear
50 feet	2½	35	30	10	30	30

2. ~~c.~~ Structures ~~or portions thereof,~~ ^{or similar structures,} such as barns, silos, windmills, antennae, ~~or~~ chimneys may exceed the height requirement if located at least 30 feet from any property line.

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 width and additional yard requirements not otherwise established by Ordinance.

3.114.1 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 # _____, 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 of 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.

- 3.114.2 Except as otherwise provided by subsection 3.115, 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 size or width requirements of this district.

3.115 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.113.3 shall be based upon: a. the nature of the proposed use; b. the character of uses on adjacent property; and c. consideration of the purposes of this Ordinance.

3.116 OFF-STREET PARKING AND LOADING

Off-Street parking and loading shall be provided as required by ~~subsections 6.20 through 6.2709.~~

3.117 ACCESS

- ~~3.117.1~~ Any lot in this district shall abut a street, or shall have other access ~~deemed~~ by the Hearings Council ~~to be safe and convenient for pedestrians and for passenger and emergency vehicles.~~
- ~~3.117.2~~ The minimum front yard, side yard or setback requirements of subsection 3.114 b shall be increased where the Hearings Council determines that a yard or setback abuts a street having insufficient right-of-way width to serve the area. ~~The Hearings Council shall determine the necessary right-of-way widths and the additional yard or setback requirements not otherwise established by Ordinance.~~

3.118 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.118.1 Conditional uses listed in subsection 3.113.3, legally established prior to the effective date of Ordinance #_____, 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 3.1.

1. The term "change of use", as used in subsection 3.118.1 means the change from one conditional use listed in subsection 3.113.3 to another such conditional use.

Section 5

Ordinance #100 is amended by adding subsection 3.13, as follows:

3.13 MULTIPLE USE AGRICULTURE DISTRICT MUA-20

3.131 PURPOSES

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural 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 natural resource base, the character of the area and the applicable County policies.

3.132 AREA AFFECTED

This subsection shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

3.133 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 ~~as provided in subsection 3.133.1 through 3.133.5.~~ for the following uses:

3.133.1 PRIMARY USES:

as defined in ORS 215.203(2)(a) (1977 Replacement Port),
a. Farm use, ¹ 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 subsection 3.133.3b; ~~and~~
- b. The propagation or harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a ~~legal~~ lot; and
- d. Public and private conservation areas and structures for the ~~protection~~ of water, soil, open-space, forest and wildlife resources.

3.133.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, ~~and moved to a legal lot in this district,~~ including mobile OR modular homes, subject to the following conditions:
1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
 2. ~~The dwelling shall be attached to a foundation constructed according to the standards of the Building Code, and 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 3.133.1.2 or b. when the dwelling occupies the same lot as a residence permitted by subsections 3.133.1.1.c. or 3.133.2., subject to the following conditions:~~
1. ~~In the event the dwelling is constructed off-site, construction shall comply with subparagraphs 2.1. 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 3.133.1.2 or b.~~
 - (b) ~~the standards of subsection 3.134b 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.~~
- c. Wholesale or retail sales of farm or forest products raised or grown in the immediate vicinity, subject to the following condition: ~~on the premises or~~
1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.~~

3.133.3 CONDITIONAL USES

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

- ~~(1) is consistent with the character of the area and the natural resource base;~~
- ~~(2) will not conflict with the economic viability of of forest or agricultural lands for continued use;~~
- ~~(3) will not require the extension of services beyond those programmed for the area;~~
- ~~(4) does not create a hazard; and~~
- ~~(5) satisfies the applicable policies in the Comprehensive Plan.~~

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following Conditional Uses ~~when approved by the Hearings Council~~ pursuant to the provisions of Section 7.50:
 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 of 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 on lands not predominantly of Agricultural Capability Class I, II, or III soils:
 1. Rural planned developments for single-family residences as provided in Section 7.10; and
 2. Pursuant to the provisions of Section 7.50:
 - (a) Cottage industries;

(b) Limited rural service commercial uses, such as local stores, shops, offices, repair services, ~~etc.~~ and similar uses; and

(c) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches, ~~etc.~~ and similar uses.

~~Each such approved use shall be subject to the Design Review provisions of Section 7.60.~~

3.133.4 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 subsection 3.133.2.c;

b. Off-street parking and loading; ~~pursuant to Section 7.20;~~

c. Home occupations; and
d. Other structures or uses customarily accessory or incidental to any permitted use, including home occupations, permitted or approved in this district.

3.133.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

3.134 DIMENSIONAL REQUIREMENTS

a. Except as provided in subsections 3.133.2 b, 3.134.1, 3.134.2, 3.135 and 7.104.1, the minimum lot size shall be 20 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 area of such lot.

1. The minimum yard requirement shall be increased where the yard abuts 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.

b.

Minimum Front Lot Line Length	Maximum Structure Height Stories		Minimum Yard Dimensions-Feet			
			Front	Side	Street Side	Rear
50 feet	2½	35	30	10	30	30

2. Structures ~~or portions thereof~~, ^{or similar structures,} such as barns, silos, windmills, antennae, ~~or~~ chimneys, may exceed the height requirement if located at least 30 feet from any property line.

3.134.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit the creation of a lot of less than 20 acres, ~~divided~~ after the effective date of Ordinance #__, when in compliance with the ~~dimensional~~ requirements of subsection 3.134.b. Any exception shall be based on findings that the proposal will:

- Substantially maintain or support the character and stability of the overall land use pattern of the area;
- Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and the location or size of the tract;
- Be compatible with accepted farming or forestry practices on adjacent lands;
- Be consistent with the ~~intent and~~ purposes described in sub-Section 3.131 and the Comprehensive Plan;
- Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
- Not require public services beyond those existing or programmed for the area.

3.134.11 Approval of more than two Lots of Exception from any Lot of Record shall be based on the following findings ~~by the Hearings Council~~ in addition to those required by subsection 3.134.1:

- that the proposal will ~~not~~ adversely affect the air, water, soil, environmental, economic and energy resources; and
- that Rural Planned Development, pursuant to Section 7.10, is inappropriate due to the small scale of the proposal or is not applicable due to the soil classification.

- 3.134.12 The Hearings Council may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the purposes described in subsection 3.131. ~~and the Comprehensive Plan.~~
- 3.134.13 The Planning Director may grant a Lot of Exception ^{based} on a finding ~~by the Director, in addition to the findings required in 3.134.1,~~ that the resultant 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.

3.134.2 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 ~~_____~~, 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.
- c. Separate Lots of Record shall be deemed created by a street or zoning district boundary which crosses a parcel of land.

- 3.134.3 Except as otherwise provided by subsections 3.134.1, 3.135 or 7.104.1, 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 minimum lot or yard ~~or setback~~ requirements or result in a lot with less than the area or width requirements of this district.

3.135 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.133.3, except c.1., shall be based upon: a. the nature of the proposed use; b. the character of uses on adjacent property; and c. consideration of the purposes of this Ordinance.

3.137 ACCESS

- ~~3.137.1~~ 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.~~
- ~~3.137.2~~ ~~The minimum front yard, side yard or setback requirements of subsection 3.134 b shall be increased where the Hearings Council determines that a yard or setback abuts a street having insufficient right of way width to serve the area. The Hearings Council shall determine the necessary right-of-way widths and the additional yard or setback requirements not otherwise established by Ordinance.~~

- 3.136 OFF-STREET PARKING AND LOADING
Off street parking and loading shall be provided as required by Section 6.20.

3.138 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.138.1 Conditional Uses listed in subsection 3.133.3, legally established prior to the effective date of Ordinance #____, shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- a. any change from one conditional use listed in subsection 3.133.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.133.3; and
- b. any alteration of such conditional use listed in subsection 3.133.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

Section 6

Subsection 3.14 of Ordinance #100 is amended to read:

3.14 MULTIPLE USE FOREST DISTRICT MUF-20

3.141 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.

3.142 AREAS AFFECTED

This subsection shall apply to those lands designated MUF-20 on the Multnomah County Zoning Map.

3.143 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 ~~as provided in subsection 3.143.1 through 3.143.4~~ for the following uses:

3.143.1 PRIMARY USES

a. Forestry practices associated with the production, management and harvesting of timber and 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;
as defined in ORS 215.203(2)(a) (1977 Replacement Part),
- b. Farm use, [^] for the following purposes only:

1. Raising and harvesting crops;
2. Raising of livestock or honeybees; or

3. Any other agricultural or horticultural purposes or animal husbandry purpose or combination thereof, except as provided in subsection 3.14 .3b;
- c. Public and private conservation areas and structures for the ~~protection~~ of water, soil, open-space, forest and wildlife resources; and
- d. Residential use consisting of a single-family dwelling constructed on a ~~legal~~ lot.

3.143.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, ~~and moved to a legal lot in this district~~ including mobile or modular homes, subject to the following conditions:
 1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
 2. ~~The dwelling shall be attached to a foundation constructed according to the standards of the Building Code, and 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 3.143.1 a. or b. when the dwelling occupies the same lot as a residence permitted by subsections 3.143.1 d. or 3.143.2 a., subject to the following conditions:~~
 1. ~~In the event the dwelling is constructed off-site, construction shall comply with subparagraphs 2.1. 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 3.143.1 a. or b;~~
 - (b) ~~the standards of subsection 3.144 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.~~
- c. Wholesale or retail sales of farm or forest products raised or grown ~~in the immediate vicinity~~, subject to the following condition: ~~on the premises or~~

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1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.*

3.143.3 CONDITIONAL USES

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

- ~~(1) is consistent with the character of the area and the natural resource base;~~
 - ~~(2) will not conflict with the economic viability of forest or agricultural lands for continued use;~~
 - ~~(3) will not require the extension of services beyond those programmed for the area;~~
 - ~~(4) does not create a hazard; and~~
 - ~~(5) satisfies the applicable policies in the Comprehensive Plan.~~
- a. Community Service Uses pursuant to the provisions of Section 7.00;
 - b. The following Conditional Uses ~~when approved by the Hearings Council~~ pursuant to the provisions of Section 7.50:
 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 subsection 3.143.1a;
 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; and
 7. Commercial dog kennels.

c. The following Conditional Uses may be permitted upon ~~finding~~
~~in addition to those required by Section 7.50, that:~~
of the land

- (1) the capability ^{of the land} for resource production is minimally impacted;
- (2) *the use will neither create nor be affected by any hazards; and*
- (3) access for fire protection of timber is assured:

~~1. a.~~ Rural planned developments for single-family residences as provided in Section 7.10; *and*

~~2. b.~~ Pursuant to the provisions of Section 7.50:

- ~~(a) (1)~~ Cottage industries;
- ~~(b) (2)~~ Limited rural service commercial uses, such as local stores, shops, offices, repair services, ~~etc.; and similar uses; and~~
- ~~(c) (3)~~ Tourist commercial uses such as restaurants, gas stations, motels, guest ranches, ~~etc.; and similar uses.~~

~~Each such approved use shall be subject to the Design Review provisions of Section 7.60.~~

3.143.4 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 or 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 subsection 3.143.2c

b. Off-street parking and loading, ~~pursuant to Section 7.20, and~~

c. *Home occupations; and*

~~d. e.~~ Other structures or uses customarily accessory or incidental to any ~~permitted~~ *permitted or approved in this district.*

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.

3.143.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

3.144 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.143.2b, 3.144.1, 3.144.2, 3.145 and 7.104.1, the minimum lot size shall be 20 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 area of such lot.

b.	Minimum Front Lot Line Length	Maximum Structure Height Stories	Feet	Minimum Yard Dimensions-Feet			
				Front	Side	Street Side	Rear
	50 feet	2½	35	30	10	30	30

2. Structures ~~or portions thereof~~ ^{or similar structures,} such as barns, silos, windmills, antennae, ~~or~~ chimneys may exceed the height requirement if located at least 30 feet from any property line.

3.144.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than 20 acres, ~~divided~~ after the effective date of Ordinance #, when in compliance with the dimensional requirements of subsection 3.144b.

Any exception shall be based on findings that the proposal will:

- Substantially maintain or support the character and stability of the overall land use pattern of the area;
- 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 the location or size of the tract;
- Be compatible with accepted farming or forestry practices on adjacent lands;
- Be consistent with the ~~intent and~~ purposes described in ~~sub-section 3.141~~ and the Comprehensive Plan;

- 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.

3.144.11 Approval of more than two Lots of Exception from any Lot of Record shall be based on the following findings in addition to *those* required by subsection 3.144.1:

- a. that the proposal will *not* adversely affect the air, water, soil, environmental, economic and energy resources; and
- b. that Rural Planned Development, pursuant to Section 7.10 is inappropriate due to the small scale of the proposal or is not applicable due to the soil classification.

3.144.12 The Hearings Council may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the purposes described in subsection 3.141 *and the Comprehensive Plan.*

3.144.13 The Planning Director may grant a Lot of Exception *based* on a finding ~~by the Director, in addition to the findings required in 3.144.1,~~ that the resultant *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.

3.144.2 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 # , 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.*
- c. *Separate Lots of Record shall be deemed created by a street or zoning district boundary which crosses a parcel of land.*

3.144.3 Except as otherwise provided by subsections 3.144.1, 3.145 or 7.104.1, 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.

3.145 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsections 3.143.3, except c.1. shall be based upon: a. the nature of the proposed use; b. the character of uses on adjacent property; and c. consideration of the purposes of this Ordinance.

3.146 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by ~~subsection 6.20. through 6.2709.~~

3.147 ACCESS

~~3.147.1~~ 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 passenger and emergency vehicles.

~~3.147.2~~ The minimum front yard, side yard or setback requirements of subsection 3.144b shall be increased where the Hearings Council determines that a yard or setback abut a street having insufficient right-of-way width to serve the area. The Hearings Council shall determine the necessary right-of-way widths and the additional yard or setback requirements not otherwise established by Ordinance.

3.148 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.148.1 Conditional Uses listed in subsection 3.143.3, legally established prior to the effective date of Ordinance # , shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- a. any change from one conditional use listed in subsection 3.143.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.143.3; and
- b. any alteration of such conditional use listed in subsection 3.143.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

Section 7

Subsection 3.15 of Ordinance #100 is amended to read:

3.15 RURAL RESIDENTIAL DISTRICT RR

3.151 PURPOSES.

The purposes of the Rural Residential District 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 ~~utilities and 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 ~~and development desires~~ through review procedures and flexible standards.

3.152 AREA AFFECTED

This subsection shall apply to those lands designated RR on the Multnomah County Zoning Map.

3.153 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 as ~~provided in subsection 3.153.1 through 3.153.4.~~

for the following uses:

3.153.1 PRIMARY USES

as defined in ORS 215.203 (2)(3) (1977 Replacement Part).

a. *Farm use, 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 subsection 3.153.3b;

b. The propagation or harvesting of forest products;

- c. Residential use consisting of a single-family dwelling constructed on a ~~legal~~ lot; and
- d. Public and private conservation areas and structures for the *protection* of water, soil, open-space, forest and wildlife resources.

3.153.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, ~~and moved to a legal lot in this district~~, including ²mobile or modular homes, subject to the following conditions:

1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
2. ~~The dwelling shall be attached to a foundation constructed according to the standards of the Building Code, and 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 3.153.1 when the dwelling occupies the same lot as a residence permitted by subsections 3.153.1.c. or 3.153.2.2., subject to the following conditions:*
 1. *In the event the dwelling is constructed off-site, construction shall comply with subparagraphs 2.1. 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 3.153.1;*
 - (b) the standards of subsection 3.154.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.*

- c. Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:

1. 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 Board of Adjustment pursuant to sub-sections 12.38 and 12.39.

3.153.3 CONDITIONAL USES

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

- ~~(1) is consistent with the character of the area and the natural resource base;~~
- ~~(2) will not conflict with the economic viability of forest or agricultural lands for continued use;~~
- ~~(3) will not require the extension of services beyond those programmed for the area;~~
- ~~(4) does not create a hazard; and~~
- ~~(5) satisfies the applicable policies in the Comprehensive Plan.~~

a. Community Service Uses pursuant to the provisions of Section 7.00;

b. The following conditional uses ~~when approved by the Hearings Council~~ pursuant to the provisions of Section 7.50:

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 of 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 more than 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 on lands not predominantly of Agricultural Capability Class I, II, or III Soils:
1. Rural planned developments for single-family residences as provided in Section 7.10; and
 2. Cottage industries, pursuant to the provisions of Section 7.50.

~~(a) Each such approved use shall be subject to the Design Review provisions of Section 7.60.~~

3.153.4 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 agricultural products pursuant to the provisions of subsection 3.153.2c;
- b. Off-street parking and loading; ~~pursuant to Section 7.20, and~~
- c. **Home occupations; and**
- d.e. Other structures or uses customarily accessory or incidental to any ~~permitted use including home occupations.~~ **permitted or approved in this district.**

3.153.5 TEMPORARY USES, when approved pursuant to subsections 12.71 and 12.72.

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.

3.154

DIMENSIONAL REQUIREMENTS

, 3.154.1,

- a. Except as provided in subsections 3.153.2, 3.154.2, 3.155 and 7.104.1, the minimum lot size shall be 5 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 area of such lot.

b.

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

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

3.154.1

LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than 5 acres, ~~divided~~ after the effective date of Ordinance , when in compliance with the dimensional requirements of subsection 3.154.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 or for forest use considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and the location or size of the tract;
- c. Be compatible with accepted farming or forestry practices on adjacent lands;
- d. Be consistent with the ~~intent and~~ purposes described in subsection 3.151 and the Comprehensive Plan;
- 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.

3.154.11 Approval of more than two Lots of Exception from any Lot of Record shall be based on the following findings in addition to those required by subsection 3.154.1:

- a. that the proposal will not adversely affect the air, water, soil, environmental, economic and energy resources; and
- b. that Rural Planned Development, pursuant to Section 7.10, is inappropriate due to the small scale of the proposal or is not applicable due to the soil classification.

3.154.12 The Hearings Council may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the purposes described in subsection 3.131 and the Comprehensive Plan.

3.154.13 The Planning Director may grant a Lot of Exception based on a finding by the Director, in addition to the findings required in subsection 3.154.1, that the resultant 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.

3.154.2 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 # , 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.
- c. Separate Lots of Record shall be deemed created by a street or zoning district boundary which crosses a parcel of land.

3.154.3 Except as otherwise provided by subsections 3.154.1, 3.135 or 7.104.1, 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 minimum lot or yard or setback requirements or result in a lot with less than the area or width requirements of this district.

3.155 LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a conditional use permitted pursuant to subsections 3.153.3, except c.1, shall be based upon: a. the nature of the proposed use; b. the character of uses on adjacent property; and c. consideration of the purposes of this Ordinance.

3.156 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by ~~subsections 6.20, through 6.2709.~~

3.157 ACCESS

- ~~3.157.1~~ 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 passenger and emergency vehicles.*
- ~~3.157.2~~ The minimum front yard, side yard or setback requirements of subsection 3.154.b, shall be increased where the Hearings Council determines that a yard or setback abuts a street having insufficient right-of-way width to serve the area. The Hearings Council shall determine the necessary right-of-way widths and the additional yard or setback requirements not otherwise established by Ordinance.

3.158 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

- 3.158.1 Conditional Uses listed in subsection 3.153.3, legally established prior to the effective date of Ordinance # , shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:
- a. any change from one conditional use listed in subsection 3.153.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.153.3; and
 - b. any alteration of such conditional use listed in subsection 3.153.3 shall be subject to Design Review pursuant to the provisions of section 7.60.

Section 8

Ordinance #100 is amended by adding subsection 3.16, as follows:

3.16 RURAL CENTER DISTRICT RC

3.161 PURPOSES.

The purposes of the Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with limited local and tourist commercial uses which satisfy area and regional needs; to provide for local employment through light industrial uses consistent with rural character and to manage the location and extent of public service centers and limit the extension of public ~~utilities~~ **services**.

3.162 AREA AFFECTED.

This subsection shall apply to those lands designated RC on the Multnomah County Zoning Map.

3.163 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 ~~as provided in subsection 3.163.1 through 3.163.4~~ **for the following uses:**

← 3.163.1 PRIMARY USES

as defined in ORS 215.203(2)(a) (1977 Replacement Part),
a. **Farm use, A** for the ~~uses 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 subsection 3.163.3b.
- b. The propagation of harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a ~~legal~~ lot; and
- d. Public and private conservation ~~areas~~ **areas** and structures for the ~~protection~~ **protection** of water, soil, open-space, forest and wildlife resources.

3.163.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential use, consisting of a single-family dwelling constructed off-site, ~~and moved to a legal lot in this district~~ including ^Bmobile or modular homes, subject to the following conditions:
1. Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes.
 2. ~~The~~ dwelling shall be attached to a foundation constructed according to the standards of the Building Code, and 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 3.163.1 when the dwelling occupies the same lot as a residence permitted by subsections 3.163.1.c. or 3.163.2.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 3.163.1;~~
 - (b) ~~the standards of subsection 3.164.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.~~

- c. Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:
1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.~~

3.163.3 CONDITIONAL USES

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

- ~~(1) Is consistent with the character of the area and the natural resource base;~~
- ~~(2) Will not conflict with the economic viability of forest or agricultural lands for continued use;~~
- ~~(3) Will not require the extension of services beyond those programmed for the area;~~
- ~~(4) Does not create a hazard; and~~
- ~~(5) Satisfies the applicable policies in the Comprehensive Plan.~~

a. Community Service Uses pursuant to the provisions of Section 7.00;

b. *The following conditional uses*
pursuant to the provisions of Section 7.50:

1. Limited rural service commercial uses such as local *stores, shops, offices, repair shops, etc. and similar uses;*
2. Tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, *etc., and similar uses;*
3. Cottage industries; and
4. Commercial processing of agricultural products primarily grown in the vicinity;

~~(a) Each such approved use shall be subject to the Design Review provisions of Section 7.60.~~

c. Rural planned developments pursuant to the provisions of Section 7.10. Duplex and apartment dwellings, not to exceed four dwelling units *per* lot, may be approved by the Hearings Council *pursuant to the provisions of subsection 7.105.5.*

- ~~(1) The proposal is consistent with rural center character;~~
- ~~(2) There is a public need for such housing;~~
- ~~(3) Adequate public services, access, and utilities are available; and~~
- ~~(4) On site sewage disposal will comply with State and County requirements.~~

3.163.4 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;
3. Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of agricultural products pursuant to the provisions of subsection 3.163.2c.

b. Off-street parking and loading, ~~pursuant to Section 7.20;~~

c. ~~Home occupations;~~ and

d. ~~Other structures or uses customarily accessory or incidental to any permitted use~~ *permitted or approved in this district.*

3.163.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

3.164 DIMENSIONAL REQUIREMENTS.

a. Except as provided in subsections 3.163.2b, 3.164 .1, 3.164.2, 3.165 and 7.104.1, the minimum lot size shall be one acre.

1. 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.

b.

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

or similar structures,
Structures ~~or portions thereof~~ such as barns, silos, wind-mills, antennae, ~~or~~ chimneys may exceed the height requirement if located at least 30 feet from any property line.

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 width and additional yard requirements not otherwise established by Ordinance.*

3.164.1 LOTS OF EXCEPTION.

The Hearings Council may grant an exception to permit creation of a lot of less than one acre, ~~divided~~ after the effective date of Ordinance #____, when in compliance with the dimensional requirements of subsection 3.164.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 the location or size of the tract;
- c. Be compatible with accepted farming or forestry practices on adjacent lands;
- d. Be consistent with the ~~intent and~~ purposes described in subsection 3.161 and the Comprehensive Plan;
- 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.

← 3.164.11 Approval of more than two Lots of Exception from any Lot of Record shall be based on the following findings by the Hearings Council in addition to *those* required by subsection 3.164.1:

- a. That the proposal will *not* adversely *effect* the air, water, soil, environmental, economic, and energy resources; and
- b. That Rural Planned Development, pursuant to Section 7.10, is inappropriate due to the small scale of the proposal or is not applicable due to the soil classification.

← 3.164.12 The Hearings Council may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the purposes described in subsection 3.161 *and the Comprehensive Plan.*

← 3.164.13 The Planning Director may grant of Lot of Exception *based* on a finding ~~by the Director, in addition to the findings required in 3.164.1~~ that the resultant *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.

3.164.2 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 # , 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.
- c. Separate Lots of Record shall be deemed created by a street or zoning district boundary which crosses a parcel of land.

← 3.164.3 Except as otherwise provided by subsection 3.164.1, 3.165 and 7.104.1, 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 of less than the area or width requirements of this district.

← 3.165 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsections 3.163.3, except c, shall be based upon: a. the nature of the proposed use; b. the character of uses on adjacent property; and c. consideration of the purposes of this Ordinance.

3.166 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by ~~sub~~ Section ~~6.20, through 6.2700.~~

3.167 ACCESS.

~~3.167.1~~ 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 passenger and emergency vehicles.

3.168 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.168.1 Conditional Uses listed in subsection 3.163.3, legally established prior to the effective date of Ordinance # , shall be deemed conforming and not subject to the provisions of subsection 12.75; provided, however, that:

- a. any change from one conditional use listed in subsection 3.163.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.163.3; and
- b. any alteration of such conditional use listed in subsection 3.163.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

Section 9

Ordinance #100 is amended by adding
Section 6.60, as follows:

6.60 WILLAMETTE RIVER GREENWAY DISTRICT WRG

6.61 PURPOSES.

The purposes of the Willamette River Greenway District are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River; to implement the County's responsibilities pursuant to ORS 390.310 to 390.368; and to establish criteria, ~~guidelines~~, standards and procedures for the intensification of uses, change of uses or the development of lands within the Greenway.

*to establish Greenway
Compatibility Review
Areas;*

6.62 AREA AFFECTED

This subsection shall apply to *those lands*
designated WRG on the Multnomah County Zoning Map.

6.63 USES; GREENWAY PERMIT REQUIRED

All uses *permitted* pursuant to the provisions of the underlying district are permitted on lands designated WRG, provided, however, that any development, change of use or intensification of use, except as provided in Subsection 6.63.2, shall be subject to a Greenway Permit issued pursuant to the provisions of Subsection 6.65.

6.63.1 DEFINITIONS

For the purposes of this Section, the terms "change of use", "development", "develop", "farm use" and "intensification", shall have the meanings as defined in paragraph a. of the Order Adopting Preliminary Willamette River Greenway Plan of the Oregon Land Conservation and Development Commission, dated December 6, 1975.

6.63.2 EXCEPTIONS

A Greenway Permit shall not be required for the following:
as defined in ORS 215.203(2)(2)(1977 Replacement Part),

a. farm use, *including* buildings and structures accessory thereto;

b. a single family dwelling in conjunction with farm use, when located 150 feet or more from the ordinary low water line of the Willamette River;

- c. the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the Forest Practices Act from a farm woodlot of less than 20 acres as described in the definition of "farm use" in ORS 215.203;
- d. gravel removal from the bed of the Willamette River conducted under a permit from the State of Oregon;
- e. customary dredging and channel maintenance;
- f. the placing, by a public agency, of signs, markers, aids, etc. to serve the public;
- g. activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
- h. on scenic easements acquired under ORS 390.332(2)(a), the maintenance authorized by ~~that~~ statute and ORS 390.368;
- i. the use of a small cluster of logs for erosion control;
- j. the expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- k. the maintenance and repair of existing flood control facilities; and
- l. uses legally existing on the effective date of this ordinance, provided, however, that any change or intensification of ~~such~~ use shall require a Greenway Permit.

6.64 GREENWAY PERMIT APPLICATION

An application for a Greenway Permit shall address the elements of the Greenway Design Plan and shall be filed as follows:

- a. for a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in Subsection 12.21.2; and
- b. for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, the Greenway Permit application shall be combined

with the required application for the proposed use, and filed in the manner provided in Subsection 12.20 and 12.22.

6.65 WRG PERMIT; REQUIRED FINDINGS

A decision on a Greenway Permit application shall be based upon findings of compatibility with the elements of the Greenway Design Plan listed in Subsection 6.66.

6.65.1 DECISION BY PLANNING DIRECTOR

A decision on a Greenway Permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director. The Director may approve the permit, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Design Plan.

6.65.11 Within 10 business days following receipt of a completed Greenway Permit application, the Planning Director shall file a decision with the Director of the Department of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.

6.65.12 A decision by the Planning Director on a Greenway Permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

6.65.2 DECISION BY HEARINGS COUNCIL

A decision on a Greenway Permit application for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, shall be made by the Hearings Council in conjunction with the decision on the use proposal associated therewith.

6.65.21 Action by the Hearings Council on a Greenway Permit application shall be taken pursuant to the action ~~proceedings provided in Subsections 12.20 through~~ 12.30.

6.65.22 The findings and conclusions made by the Hearings Council, and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

6.65.3 SCOPE OF APPROVAL

Approval of a Greenway Permit shall *be deemed to* authorize *associated* public *utilities*, including energy and communication facilities.

6.65.4 APPEALS

6.65.41 A decision *by* the Planning Director on a Greenway Permit application may be appealed to the Hearings Council in the manner provided in Subsections 12.38 and 12.39.

6.65.42 A decision *by* the Hearings Council on a Greenway Permit application may be appealed to the Board of County Commissioners in the manner provided in Subsection 12.31.

6.66 GREENWAY DESIGN PLAN

The elements of the Greenway Design Plan are:

- a. the maximum possible landscaped area, scenic and aesthetic enhancement, *open* space or vegetation shall be provided between any use and the river;
- b. reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas;
- c. developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses;
- d. agricultural lands shall be preserved and maintained for farm use as an effective means to protect, enhance and carry out the purposes of the Greenway;
- e. the harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time;
- f. recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses;
- g. significant fish and wildlife habitats shall be protected;

- h. significant natural and scenic areas and viewpoints and vistas shall be preserved;
- i. maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable;
- j. the natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion and screening of uses from the river;
- k. extraction of known aggregate deposits may be permitted, pursuant to the provisions of Section 7.50, when economically feasible and when conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation;
- l. areas of annual flooding, flood plains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions;
- m. areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored or enhanced to the maximum extent possible;
- n. areas of erosion or potential erosion shall be protected from loss by appropriate means which ~~are~~ compatible with the character of the Greenway;
- o. the quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in the development, change of use or intensification of use of land designated WRG;
- p. a building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource districts, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use.

- q. any development, change of use or intensification of use of land classified WRG, shall be subject to design review, pursuant to Section 7.60, to the extent that such design review *is consistent with the* elements of the Greenway Design Plan.

6.67 NOTICE TO DEPARTMENT OF TRANSPORTATION

The Planning Director shall mail to the State Department of Transportation a copy of any application for a Greenway Permit within 10 days of the filing thereof and a copy of the written decision thereon at the time the same is filed, pursuant to Subsection 6.65.11 or 12.30, as appropriate.

Section 10

Ordinance #100 is amended by adding
Section 6.70, as follows:

6.70 SIGNIFICANT ENVIRONMENTAL CONCERN DISTRICT SEC

6.71 PURPOSES

The purposes of the Significant Environmental Concern District are to protect, conserve, enhance, restore and maintain significant natural and man-made features which are of public value, including, among other things, river corridors, streams, lakes, and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wildlife and fish habitats, significant geological features, tourist attractions, historical and archeological features and sites and scenic views and vistas and to establish criteria, ~~guidelines,~~ standards and procedures for the development, change of use or alteration of such features or of the lands adjacent thereto.

6.72 AREAS AFFECTED

This subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map.

6.73 USES; SEC PERMIT REQUIRED

All uses ~~permitted~~ pursuant to the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in subsection 6.73.1, shall be subject to an SEC permit. ~~pursuant to the provisions of subsection 6.75.~~ The excavation of any ~~known~~ archeological site shall require an SEC permit, ~~authorized by the Planning Director,~~ pursuant to subsection 6.75.1, ~~regardless of the zoning designation of the site.~~ (Insert *)

6.73.1 EXCEPTIONS

An SEC permit, ~~as provided in subsection 6.73,~~ shall not be required for the following:

~~as defined in ORS 215.203(2)(a) (1977 Replacement Port),~~
a. farm use, including buildings and structures accessory thereto;

b. except as provided in subsection 6.76c, the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in

* a. Any excavation or any removal of materials of archeological, historical, prehistorical or anthropological nature shall be conducted pursuant to the conditions of an SEC permit.

SEC

accordance with the Forest Practices Act from a farm woodlot of less than 20 acres as described in the definition of "farm use" in ORS 215.203;

- c. customary dredging and channel maintenance, but not the placement of spoils;
- d. the placing, by a public agency, of signs, markers, aids, etc. to serve the public;
- e. activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
- f. activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic waterways system;
- g. the expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- h. the maintenance and repair of existing flood control facilities; and
- i. uses legally existing on the effective date of this ordinance, provided, however, that any change or alteration of ~~such~~ use shall require an SEC permit as provided herein.

6.74 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, pursuant to subsection 6.76 and shall be filed as follows:

- a. for a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in subsection 12.21.2; and
- b. for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, the SEC permit application shall be combined with the required application for the proposed use, and filed in the manner provided in subsections 12.21 and 12.22.

6.75 SEC PERMIT; REQUIRED FINDINGS

A ~~decision~~ ^{decision} on an application for an SEC permit, ~~as required herein~~, shall be based upon findings of ~~consistency~~ with the purposes of SEC and with the criteria for approval specified in subsection 6.76

6.75.1 DECISION BY PLANNING DIRECTOR

A decision on an SEC permit application for ²Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director. The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and ~~necessary to assure compatibility with the criteria for approval specified in~~ subsection 6.76.

6.75.11 Within 10 business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.

6.75.12 A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings and conclusions shall specifically address the relationships between the proposal and the ~~applicable criteria for approval specified in~~ subsection 6.76.

6.75.2 DECISION BY HEARINGS COUNCIL

A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service use as specified in Section 7.00, shall be made by the Hearings Council in conjunction with the decision on the use proposal associated therewith.

6.75.21 Action by the Hearings Council on an SEC permit application shall be taken pursuant ~~to the action proceedings provided in~~ subsections 12.20 through 12.30.

6.75.22 The findings and conclusions made by the Hearings Council and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the ~~criteria for approval specified in~~ subsection 6.76.

6.75.3 APPEALS

6.75.31 A decision ~~by~~ the Planning Director on an application for an SEC permit may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39.

6.75.32 A decision ~~by~~ the Hearings Council on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in subsection 12.31.

6.75.4 SCOPE OF ~~CONDITIONS~~ of an SEC permit,

~~Approval of an SEC permit and the~~ Conditions and modifications of approval if any, shall be limited to the locations, design and maintenance of existing and proposed improvements, including but not limited to buildings, structures and ~~functional~~ use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics and lighting.

6.75.41 Approval of an SEC permit shall be deemed to authorize ~~associated~~ public utilities, including energy and communication facilities.

6.76 CRITERIA FOR APPROVAL OF SEC PERMIT

- a. the maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake or flood water storage area;
- b. agricultural land and forest land shall be preserved and maintained for farm and forest use as effective means to ~~protect, enhance and~~ carry out the purposes of *this district*;
- c. the harvesting of timber on lands designated SEC shall be conducted in a manner which will insure that natural, scenic and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time;
- d. a building, structure or use shall be located on a lot in a manner which will balance ~~improvement~~ functional *consideration* and costs with the need to preserve and protect ~~natural and scenic areas, views and vistas and other areas of~~ environmental significance;
- e. recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance;
- f. the protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable;
- g. significant fish and wildlife habitats shall be protected;
- h. the natural vegetative fringe along rivers, lakes and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion;

- i. buildings, structures and sites of historic significance shall be preserved, protected, enhanced, restored and maintained in proportion to their importance to the County's history;
- j. archeological areas shall be preserved for their historic, scientific and cultural value~~§~~ protected from vandalism or unauthorized entry, ~~and any excavation or any removal of materials of archeological, historical, prehistorical or anthropological nature shall be conducted pursuant to an SEC permit and conditions consistent with the purposes of SEC;~~
- k. extraction of aggregates and minerals, the depositing of dredge spoils and similar activities permitted pursuant to the provisions of Section 7.50, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archeological features, vegetation, erosion, stream flow, visual quality, noise, and safety and to guarantee necessary reclamation;
- l. areas of annual flooding, flood plains, water areas and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural functions;
- m. areas of erosion or potential erosion shall be protected from loss by appropriate means, which ~~are~~ compatible with the environmental character;
- n. the quality of the air, water and land resources in areas classified SEC shall be preserved in the development and use of such areas;
- o. the design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

~~6.77 Failure to obtain an SEC permit as required by subsection 6.73 or noncompliance with an SEC permit, as approved, shall be treated as a zoning ordinance violation.~~

Section 11
Section 7.00 of Ordinance #100 is amended to read:

7.00 COMMUNITY SERVICE CS

7.010 PURPOSE.

This Section provides for the review and approval of the location and development of special uses which by reason of their public convenience, necessity, unusual character or effect on the neighborhood may be appropriate in any district but not suitable for listing within the other sections of this Ordinance.

7.020 GENERAL PROVISIONS.

- 7.021** Application for approval of a Community Service use shall be made by the property owner or his authorized agent on forms prepared by the Planning Director. The application shall be accompanied by a legal description of the property and by such maps, plans, descriptions and exhibits as are necessary to portray the extent of the proposed use, in the manner provided in *sub section 12.20.*
- 7.022** The Hearings Council shall hold a public hearing on each application for a Community Service use, modification thereof or time extension. ~~Action for approval shall be by majority vote of those present and voting.~~
- 7.023** The approval of a Community Service use shall expire two ~~(2)~~ years from the date of such approval if substantial construction or development has not taken place, unless the Hearings Council shall have established a longer period. ~~Notice by certified mail shall be given to the property owner of record not less than thirty 30 days prior to expiration of the approval.~~
- 7.024** A Community Service approval shall be for the specific use or uses together with the limitations or conditions as determined by the Hearings Council. Any change of use or modification of limitations or conditions shall be subject to Hearings Council approval after a public hearing.
- 7.025** In granting approval of a Community Service use, the Hearings Council may attach limitations or conditions to the development, operation or maintenance of such use in relation to the purposes of this Ordinance, including but not limited to setbacks, screening and landscaping, off-street parking and loading, access performance standards, performance bonds, structure height and location or construction standards.
- 7.025.1** ~~Uses authorized pursuant to this section shall be subject to design review approval pursuant to Section 7.60.~~
- 7.026** A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.
- 7.027 COMMUNITY SERVICE APPROVAL IN CERTAIN DISTRICTS: STANDARDS**
The following standards shall be applied to the approval of Community Service use in the EFU-38, CFU-38, MUA-20, MUF-20, RR and RC districts:
- 7.027.1** The Hearings Council shall find that the proposal:
- a. is consistent with the character of the area;
 - b. will not adversely affect natural resources;
 - c. will not conflict with farm or forest uses in the area;
 - d. will not require public services other than those existing or programmed for the area;
 - e. will not create hazardous conditions; and

f. will satisfy the applicable policies of the Comprehensive Plan.

7.030 USES.

Except as otherwise provided in section 3.10, the following uses, and those of a similar nature, may be permitted in any district, provided such is consistent with the purposes of this Ordinance and when approved at a public hearing by the Hearings Council:

- a. Boat moorage, marina, or boathouse ~~moorage~~.
- b. Camp or campground.
- c. Cemetery, crematory, mausoleum, mortuary or funeral home.
- d. Church.
- e. Government building or use.
- f. Hospital, sanitarium, rest or retirement home.
- g. Library.
- h. Park, playground, sports area, golf course or recreational use of a similar nature.
- i. Philanthropic or eleemosynary institution.
- j. Power substation or other public utility building or use.
- k. Private club, fraternal organization, lodge.
- l. Racetrack.
- m. Radio or television station or tower.
- n. Refuse dump or sanitary landfill.
- o. Resort, dude ranch, hunting or fishing lodge.
- p. Riding academy or the boarding of horses for profit.
- q. School, private, parochial or public; educational institution.
- r. Accessory uses to the above when approved by the Hearings Council.

7.040 RESTRICTIONS.

(1) Approval of a Community Service use shall be deemed to authorize associated public utilities, including energy and communication facilities.

These buildings and uses shall meet the following requirements:

- 7.041 Minimum yards in F-2, EFU-3B, CFU-3B, MUA-20, MUF-20, RR, RC, R-40, R-30, R-20, and R-10 districts:

- a. Front yards shall be ~~thirty~~ 30 feet.
- b. Side yards for one ~~(1)~~ story buildings shall be ~~twenty~~ 20 feet; for two ~~(2)~~ story buildings, ~~twenty-five~~ 25 feet.
- c. Rear yards shall be as required in the district.

7.042 Minimum yards in R-7.5, R-7, R-4, A-2 and A-1-B districts:

- a. Front yards shall be ~~thirty~~ 30 feet.
- b. Side yards for one ~~(1)~~ story buildings shall be ~~fifteen~~ 15 feet; for two ~~(2)~~ story buildings, ~~twenty~~ 20 feet.
- c. Rear yards shall be as required in the district.

7.043 Minimum yards in other districts shall be as required in the district.

7.044 Minimum Site Size:

- a. For day nurseries and kindergartens shall provide not less than one ~~hundred~~ 100 square feet per child of outdoor play area located other than in the required front yard.
- b. For primary (kindergarten through fourth grade), private and parochial schools shall be one ~~(1)~~ acre for each ~~ninety~~ 90 pupils or one ~~(1)~~ acre for each three ~~(3)~~ classrooms, whichever is greater.
- c. For elementary public schools shall be one ~~(1)~~ acre for each ~~seventy-five~~ 75 pupils or one ~~(1)~~ acre for each two and one-half ~~(2 1/2)~~ classrooms, whichever is greater.
- d. For churches shall be 15,000 square feet.

7.045 Off-Street parking and loading shall be provided as required in Section 6.20.

7.046 Any sign in an F, R or A District, *EFU-38, CFU-38, MUA-20, MUF-20 or in a service use: A* associated with a Community

- a. Shall be limited to identification of the use or occupancy of the premises,
- b. May be only indirectly illuminated,
- c. Shall be either placed flat against the building or if free-standing, located not less than ~~fifteen~~ 15 feet from a street lot line,

- d Shall be limited to not more than two ~~(2)~~ signs with a maximum total area on one ~~(1)~~ side of four ~~(4)~~ square feet unless the Hearings Council shall determine that other standards would be in harmony with the area.

7.047 Other restrictions and limitations shall be as required in the district.

Section 12
Ordinance #100 is amended by adding
Section 7.10, as follows:

7.10 RURAL PLANNED DEVELOPMENT RPD

7.101 PURPOSES.

The purposes of the Rural Planned Development Section are to provide standards and procedures for the orderly development of rural land demonstrated as not suitable for agricultural or forest use but adequate for rural residential purposes; to promote desirable rural living environments while preserving rural character; to encourage innovative approaches to the development of rural areas within the limits of topography and the natural resources while recognizing that the residents will be adjacent to normal and accepted farming or forestry practices; to realize economies of cost and energy savings in rural land development and to limit the extensions of accesses and utilities.

7.102 GENERAL CONDITIONS.

- a. At the time of application, the proposed Rural Planned Development site shall consist of contiguous property under single or multiple ownerships identified in the application, and shall be capable of being planned and developed as one unit.
- b. The reduction or averaging of lot sizes below the requirements of the district shall be under means which assure that density of development will not exceed the density approved. Such means may include common ownership, unit or condominium ownership, easements, deed restrictions or similar means.
- c. Water supply and sewage disposal facilities shall be approved by appropriate State or County agencies.

7.103 USES.

Uses permitted in the district are permitted on sites approved for RPD.

7.104 DENSITY.

The number of dwellings permitted on an RPD site shall be determined by dividing the total site acreage by the following divisors:

<u>DISTRICT</u>	<u>DIVISOR</u>
MUA	10
MUF	10
RR	3
RC	0.5

- 7.104.1 Individual lots in an approved RPD may be smaller than the average derived from Subsection 7.104, if other lots are larger or the balance is held in open space, farm or forest use, pursuant to Subsection 7.102b, so that the permitted number of dwellings is not exceeded.
- 7.104.2 The minimum area of any residential lot shall not be less than that required for an approved sewage disposal system.

7.105 PROCEDURES.

The development of land under the standards of RPD shall be subject to approval by the Board of Adjustment or Hearings Council, as appropriate, pursuant to the procedures described in Subsections 7.105.1 through 7.107.

7.105.1 PRELIMINARY RPD PLAN.

A preliminary plan shall be submitted to the Division of Planning and Development for review at a pre-initiation conference pursuant to Subsection 12.22. The preliminary plan shall include the information required for a General RPD Plan under Subsection 7.105.2, in outline form and a written statement of sufficient detail to describe the general characteristics of the area and the development concept.

7.105.2 GENERAL RPD PLAN.

Following the pre-initiation conference, the applicant shall initiate an action by filing an application, which shall include a general plan, with the Division of Planning and Development. The general plan shall include:

- a. General maps, which may be in schematic form, indicating existing topography, soil types and characteristics, vegetation and watercourses, existing and proposed uses, open spaces, lotting and access.
- b. A written statement describing the following:
 1. Existing and proposed ownerships;
 2. Proposed housing types and locations;
 3. The manner in which the proposal is consistent with the purposes of this ordinance and the Comprehensive Plan;
 4. Water supply and sewage disposal facilities; and
 5. The expected schedule of development.

- c. A preliminary subdivision or land division application as required by County regulations.
- d. The required fee.

7.105.3 HEARING.

A hearing on a proposed Rural Planned Development shall be held pursuant to Subsections 12.25 through 12.25.3 as follows:

- a. A hearing on a proposal to divide land into three parcels or less in any calendar year shall be held by the Board of Adjustment;
- b. A hearing on a proposal to divide land into four or more parcels in any calendar year shall be held by the Hearings Council.

7.105.4 DECISION.

A decision on a proposed Rural Planned Development by the Board of Adjustment or Hearings Council shall be based on findings pursuant to Subsection 7.105.5.

7.105.5 FINDINGS.

Approval, or approval with conditions, shall be granted only on findings that a proposed Rural Planned Development will:

- a. Substantially maintain or support the character and the stability of the overall land use pattern of the area;
- b. Utilize as gross site acreage land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation or the location or size of the tract;
- c. Be compatible with accepted farming or forestry practices on adjacent lands;
- d. Be consistent with the ~~intent and~~ purposes *described in subsection 7.101* and the Comprehensive Plan;
- 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.

7.106 EXPIRATION OF APPROVAL.

Approval of a Rural Planned Development shall be void after the expiration of 18 months from a decision if

no substantial construction or substantial expenditure of funds consistent with the approval have occurred on the property, unless a greater time period was initially authorized by the Board of Adjustment or Hearings Council, as appropriate.

7.107 MINOR CHANGES.

Pursuant to the standards in Subsection 6.4502, minor changes in an approved Rural Planned Development may be approved by the Planning Director on the payment of the prescribed fee.

Section 13

Section 7.50 of Ordinance #100 is amended to read:

7.50 CONDITIONAL USES CU

7.51 PURPOSES

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

7.52 GENERAL PROVISIONS

7.521 STATUS

Approval of a conditional use shall not constitute a change of zoning classification and shall be granted by the Hearings Council for the specific use authorized, subject to such reasonable modifications, conditions, and restrictions as may be determined necessary by the Hearings Council or as specifically provided herein.

7.522 CONDITIONS AND RESTRICTIONS

The Hearings Council may attach conditions and restrictions to any conditional use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, off-street parking, performance standards, performance bonds and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Ordinance and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.

7.523 CONDITIONAL USE IN CERTAIN DISTRICTS: STANDARDS

The following standards shall be applied to the approval of uses designated as Conditional Uses in the EFU-3B, CFU-3B, LUA-20, MUF-20, RR and RC districts:

- 7.523.1 The Hearings Council shall find that the proposal:
- a. is consistent with the character of the area;
 - b. will not adversely affect natural resources;
 - c. will not conflict with farm or forest uses in the area;

- d. will not require public services other than those existing or programmed for the area;
- e. will not create hazardous conditions; and
- f. will satisfy the applicable policies of the Comprehensive Plan.

7.524 DESIGN REVIEW

Uses authorized pursuant to this section shall be subject to design review approval pursuant to section 7.60.

7.53 PERMITS

7.531 CONDITIONAL USE PERMIT

A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall stipulate any modifications, conditions, and restrictions imposed by the Hearings Council or Board of County Commissioners, in addition to those specifically set forth in this ordinance.

7.532 REVOCATION OF PERMIT

A conditional use permit may be suspended or revoked by the Hearings Council when any of the conditions or restrictions imposed are not satisfied.

- a. A conditional use permit shall be suspended only after a hearing before the Hearings Council. Written Notice of the hearing shall be given to the owner of the property at least ten days prior to the hearing.
- b. A suspended permit may be reinstated, if in the judgment of the Planning Director, the conditions or restrictions imposed in the approval have been satisfied.
- c. A revoked permit may be reinstated only on approval by the Hearings Council of a new application for a conditional use.

7.54 CONDITIONAL USE

Except as otherwise provided in each district, the following conditional uses may be permitted in any district when approved pursuant to this Ordinance.

7.5401 The uses listed as conditional uses within each district, subject to the findings, criteria, and standards stated therein.

7.5402 **ANIMAL KEEPING**

A. Dogs.

- 1. Uses: Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the Hearings Council as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.
- 2. Location Requirements: These uses shall be permitted only in the following areas and only where they will not conflict with the surrounding property uses:
 - a In CFU-38, F-2, MUA-20, MUF-20, and RR districts or those areas of similar low population density.
 - b C-3, or C-2 commercial districts.
 - c Manufacturing districts.
- 3. Minimum site size requirements:
 - a Area: Two acres.
 - b Width: Two hundred fifty feet.
 - c Depth: Two hundred fifty feet.

4. Minimum setback requirements: These uses shall be located no closer than one hundred feet to any lot line, in or adjacent to an "F", "R" or "A" district.
5. Signs:
 - a. Signs shall be limited to not more than two identification signs, non-illuminated, with a maximum total area on one side of eight square feet.
 - b. No sign shall be located closer than ten feet to any lot line.
 - c. No sign shall exceed a height of six feet above the natural grade at the sign location.
 - d. Signs in a commercial or manufacturing district may conform to the sign requirements of that district.
6. Other requirements:
 - a. All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.
 - b. All kennels, runs, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
 - c. The owner or operator of a use approved under this Section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.

- d. A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.
7. Other approvals: The Hearings Council may request the advice of the County Dog Control officer, officials of humane societies, and veterinarians before approving an application hereunder.

7.5403 MINERAL EXTRACTION

A. Mining of geothermal resources, sand, gravel, rock and earthen minerals.

1. Mining shall mean the removal of all minerals, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping and dredging. The definition of mining shall also include the filling of sites for protection from flood or dumping sites from dredging operations.
2. Minerals shall mean soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits ~~situated within or upon lands in the unincorporated area of Multnomah County.~~
- (a). *Geothermal resources shall have the meaning*
3. Allowed uses: *as defined in ORS 522.005.*
 - a. Excavation of minerals including the storage, stock piling, distribution and sale thereof;
 - b. The installation and operation of plants or apparatus for rock crushing and cement treatment of base minerals, including screening, blending, washing, loading and conveying of such materials; and
 - c. Mining and processing of geothermal resources as defined by ORS 522.005.
4. Secondary uses requiring special approval: Secondary activities utilizing the extracted minerals such as mixing or batching plants or manufacturing the extracted minerals into finished products, may be permitted providing the Hearings Council makes a finding that such secondary use is appropriate for the area. In making such determination, the Hearings Council shall consider the environmental impact such plant will have on the surrounding area.

5. Buildings: The following buildings may be constructed upon the land as are reasonably necessary for the conduct of the permitted uses.
 2. Shops, garages and warehouses for the repair, maintenance and storage of equipment or supplies.
 - b. Office space.
 - c. Not more than two single family dwelling units for employees.
6. Location requirements: The uses as provided by sub~~section~~^{7.5403} A, 3. and 4. may be permitted in any district where the Hearings Council finds that an economic deposit of a mineral resource exists.
7. Minimum site size requirements: Minimum site size shall be at least two acres unless otherwise approved by the Hearings Council.
8. Minimum setback: The Hearings Council shall impose setback requirements appropriate for the nature of the use and the area where the use is to be conducted.
9. Signs: Signs shall meet the following requirements:
 - a. Not more than two identification signs per lot.
 - b. Shall not be electrically illuminated.
 - c. Maximum area on one side shall not exceed eight square feet.
 - d. Shall not exceed a height of six feet above the natural grade at the sign location.
 - e. Signs in a commercial or manufacturing district shall conform to the sign requirements of that district.
10. Other requirements: The Hearings Council may impose additional conditions, restrictions or requirements as it deems necessary, taking into consideration the following:
 - a. Access and traffic;
 - b. Screening, landscaping and lighting;
 - c. Signing;
 - d. Reclamation;

- e. Hours of operation;
- f. Erosion control;
- g. Air, water and noise pollution control;
- h. Setbacks and buffers;
- i. Insurance;
- j. Architectural design of structures;
- k. Excavation depths and slopes; and
- l. Phasing program.

11. Other approvals: Before the Hearings Council may consider an application for any mineral extraction, the applicant shall show that conditional approval has been received from all governmental agencies having jurisdiction over mineral extraction. Each application shall be accompanied by completed forms as required by ORS 517.750 to 517.900.

B. ← All surface mining uses that have previously been approved pursuant to Section 5.412(v) and 5.430, may continue to operate without the necessity of conforming to the requirements of this Ordinance, provided, however, that the previously approved uses continue to comply with the following requirements:

- 1. No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one (1) foot horizontal for one (1) foot vertical.
- 2. No mining, quarrying, excavating or processing of material shall be permitted closer than one hundred (100) feet from the boundaries of a Natural Resource, Rural, Residential or Commercial district.
- 3. Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring fence, except for reasonable areas of access and egress, as designated by the Board of Adjustment.
- 4. No permanent structure, such as rock crusher, washer or sorter, shall be located closer than five hundred feet from any district boundary.

C. ← All new applications for surface mining shall be
pursuant to subsection 7.5403.

7.5404 WATERFRONT USES

A. HOUSEBOATS AND HOUSEBOAT MOORAGES

The location of a houseboat or the location or alteration of an existing houseboat moorage shall be subject to approval of the Hearings Council.

1. Houseboats shall mean any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility.
2. Houseboat moorage shall mean the provision of facilities for two or more houseboats.
3. Location Requirements: Houseboats shall be permitted only as designated by the Comprehensive Plan.
4. Criteria for Approval: In approving an application pursuant to this subsection, the Hearings Council shall find that:
 - a. The proposed development is in keeping with the overall land use pattern in the surrounding area;
 - b. The development will not adversely impact, or be adversely affected by, normal fluvial processes;
 - c. All other applicable governmental regulations have, or can be satisfied;
 - d. The proposed development will not generate the untimely extension or expansion of public facilities and services including, but not limited to, schools, roads, police, fire, water and sewer.
5. Density: The maximum density of houseboats shall not exceed one for each 50 feet of waterfront frontage. The Hearings Council in approving a houseboat moorage may reduce the density below the maximum allowed upon finding that:
 - a. Development at the maximum density would place an undue burden on school, fire protection, water, police, road, basic utility or any other applicable service, ~~district.~~

- b. Development at the maximum density would endanger an ecologically fragile natural resource or scenic area.
- 6. Signs: The following signs shall be permitted:
 - a. A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight ~~(8)~~ square feet, when erected at least ten ~~(10)~~ feet behind 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 ~~(2)~~ square feet.
- 7. Parking:
 - a. Two automobile spaces shall be provided for each houseboat.
 - b. The parking area and all ingress and egress thereto shall be constructed two feet above the elevation of the 100 year flood, and pursuant to the provisions of Section 6.20.
- 8. *Other Requirements:*
 - a. All ramps, walkways and moorage spaces shall be designed, constructed and maintained to provide maximum safety in all weather conditions.
 - b. Lighting adequate to provide for the safety of residents and visitors shall be provided throughout a houseboat moorage.
 - c. Siting and design of all pickup and delivery facilities shall insure maximum convenience with minimum visual impacts ^{adverse}.
 - d. ~~All houseboat and houseboat moorages shall be subject to Design Review pursuant to the provisions of Section 7.60.~~

Section 14 Adoption.

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 3.50 of the Charter of Multnomah County.

Adopted this _____ day of _____, 1977, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Chairman

MULTNOMAH COUNTY
DEPARTMENT OF ENVIRONMENTAL SERVICES
Division of Planning and Development
August 18, 1977

Staff Recommended

PROPOSED CHANGES AND CORRECTIONS OF DRAFT RURAL AND NATURAL RESOURCE
AREAS ZONING ORDINANCE

Revisions and corrections of the Draft Ordinance amending Ordinance
No. 100 are recommended as follows:

1. Pages 9, 22, 30, 37 and 43,
Subsections 3.104.11 (EFU-38), 3.134.11 (MUA-20), 3.144.11
(MUF-20), 3.154.11 (RR) and 3.164.11 (RC) are revised to read:

"In no event shall the Lot of Exception provisions be used
to divide any Lot of Record into more than two parcels."
2. Revise subparagraph b. (line 3), and subparagraph b.2.(a)
(line 2) of subsections:

3.103.2, page 6 to substitute: "3.103.1.a.or c." for
"3.103.a. b. or c."

3.113.2, page 13 to substitute: "3.113.1.a.or c." for
"3.113.1.a., b. or c" and "3.113.1"

3.143.2, page 26 to substitute: "3.143.1.a. or c." for "3.143.1.a., b.
or c." and 3.143.1 a. or b."

3.153.2, page 33 to substitute: "3.153.1.a. or b. for "3.153.1"

3.163.2, page 40 to substitute: "3.163.1.a. or b." for "3.163.1"
3. From subsections:

3.104.a, page 8, delete reference to "3.103.2.b."

3.114.a, page 15, delete reference to "3.113.2.b."

3.134.a, page 21, delete reference to "3.133.2.b."

3.144.a, page 29, delete reference to "3.143.2.b."

3.154.a, page 36, delete reference to "3.153.2.b."

3.164.a, page 42, delete reference to "3.163.2.b."

4. Pages 10, 23, 30, 37 and 43,
revise lines 2 and 3 of subsections 3.104.13; 3.134.13; 3.144.13;
3.154.13; and 3.164.13 to read:

"a finding that the permitted number of dwellings will not"
5. Pages 10, 16, 23, 31, 37 and 44,
revise line 2 of subsections 3.104.3; 3.115; 3.135; 3.145;
3.155 and 3.165 by deleting "a. the nature" and substituting
after "based upon", the following:

"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."
6. Page 10,
revise line 1 of subsection 3.104.4 to read:

"subsections 3.104.1 and 3.104.2" after "provided by".
7. Page 11,
correct line 1 of subsection 3.108.2.1 to read:

"3.108.2" after "subsection", and renumbering 3.108.1.1 to
read "3.108.1.a."
8. Page 14,
correct line 2 of subsection 3.113.3.a to read:

"7.00" after "Section".
9. Page 16,
revise line 1 of subsection 3.114.2 to read:

"subsections 3.114.1.b. and 3.115, no sale" after "provided by".
10. Page 17,
correct subsection 3.118.1 by inserting:

"3.113.3" on the last line and renumbering 3.118.1.1 to read:
"3.118.1.a."
11. Page 20,
correct line 2 of subsection 3.133.3.b.3. to read:

"products thereof, for sale at wholesale or retail;"

12. Pages 22, 29, 36 and 43,
revise subsections 3.134.1.d; 3.144.1.d; 3.154.1.d and
3.164.1.d by deleting therefrom:

"and the Comprehensive Plan".

13. Pages 23, 30, 37 and 43,
revise lines 3 and 4 of subsections 3.134.12; 3.144.12;
3.154.12 and 3.164.12 to read in part:

"with the Comprehensive Plan and the purposes described in
subsection...."

14. Page 25,
revise lines 1 through 3 of subsection 3.143.1 to read:

"a. Forestry practices associated with the production,
management and harvesting of timber;

b. Wood processing operations, such as:"

Also:

1. re-letter b., c. and d. accordingly, and
2. change "a." to "b.", last line of subsection 3.143.3.b.2.
on page 27.

15. Page 28,
revise subsection 3.143.3.c.(1) (top of page) to read:

"the capability of the land for resource production is maintained;"

16. Pages 23, 30, 37 and 44,
revise subsections 3.134.2.c; 3.144.2.c; 3.154.2.c. and 3.164.2.c.
to read:

"Separate Lots of Record shall be deemed created when a street
or zoning district boundary intersects a parcel of land."

17. Page 39,
revise subsection 3.163.1.b. to read:

"The propagation or harvesting of forest products;"

18. Page 40,
revise subsection 3.163.2.a.2 by deleting:

"constructed according to the standards of the Building Code, and"
19. Pages 48 and 54,
revise subsections 6.66.d. and 6.76b. by deleting all the words
following the word "use".
20. Page 54,
revise lines 1 and 2 of subsection 6.75.4 by deleting therefrom:

"and modifications"
21. Page 58,
revise subsection 7.046 to read:

"Any sign associated with a Community Service use in an
EFU-38, CFU-38, MUA-20, MUF-20, or in an F, R or A District:"
22. Page 60,
revise the last line of subsection 7.101 to read, after the
word "development", as follows:

"and to limit the extensions of accesses and public services."
23. Page 60,
revise line 2 of subsection 7.104 by changing "total" to "gross".
24. Page 61,
revise subsection 7.105.2.b.3. to read:

"The manner in which the proposal is consistent with the
Comprehensive Plan and the purposes described in subsection 7.101;"
25. Page 62,
revise subsection 7.105.5.d. to read:

"Be consistent with the Comprehensive Plan and the purposes
described in subsection 7.101;"
26. Page 64,
revise line 4 of subsection 7.521 to read:

"conditions and restrictions as may be determined to be"

27. Page 65,
revise line 3 of subsection 7.531 to read:

"specify any conditions and restrictions imposed"

28. Page 73,
correct line 4 of Section 14 to read:

"pursuant to Section 5.50 of the Charter of Multnomah County."

29. Throughout the draft, change all symbols "#" to "No."

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. ____

An Ordinance adopting a Comprehensive Framework Plan and repealing certain portions of the Comprehensive Plan adopted October 6, 1964:

Multnomah County ordains as follows:

Section 1. Purpose and Policy.

- A. The Board of County Commissioners of Multnomah County recognizes the need to establish a planning process and policy framework as a basis for decision making with regard to land use and that such process and policy framework must be predicated on the planning goals adopted by the Oregon Land Conservation and Development Commission, pursuant to ORS Chapter 197, and on consideration of the social, economic, energy and environmental needs of the county and the region, and with particular reference to the need for conserving prime agricultural lands and other natural resources, managing urban growth, providing for economic development, and maximizing freedom of choice and expression within a decision making system open to all segments of the public.

B. The Board takes notice that the Multnomah County Planning Commission has, over the past two years, conducted numerous public meetings and hearings throughout the county to consider and revise various drafts of the Comprehensive Framework Plan based on public comment, has received the assistance of the staff of the Multnomah County Department of Environmental Services in preparing various drafts, and has recommended adoption by the Board of a Comprehensive Framework Plan, as revised.

Section 2. Adoption of Comprehensive Framework Plan.

The Multnomah County Comprehensive Framework Plan, Draft Two, as revised by "Proposed Changes and Corrections to Draft Two Comprehensive Framework Plan - August 4, 1977;" and the "Multnomah County Framework Plan Map - August 18, 1977" are adopted.

Section 3. Repeal of Portions of Pre-existing Comprehensive Plan.

Those portions of the Comprehensive Plan adopted on October 6, 1964, which are designated as "Rural Areas" or "Natural Resource" by the Multnomah County Comprehensive Framework Plan Map adopted pursuant to Section 2 of this Ordinance, are repealed.

Section 4. Adoption.

This ordinance being necessary for the health, safety and welfare of the people of Multnomah County, shall take effect on the thirtieth day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this _____ day of _____, 1977, being the date
of its SECOND reading before the Board of County Commissioners
of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Chairman

APPROVED AS TO FORM:
John B. Leahy
County Counsel for
Multnomah County, Oregon

By _____
Laurence Kressel
Deputy County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending Ordinance No. 100, amending the Multnomah County Zoning Map as it applies to lands classified as Rural or Natural Resource by the Multnomah County Comprehensive Framework Plan, adopted _____, 1977, by variously applying the following zoning district designations to such lands: EFU-38, Exclusive Farm Use; CFU-38, Commercial Forest Use; MUA-20, Multiple Use Agriculture; MUF-20, Multiple Use Forest; RR, Rural Residential; and RC, Rural Center; and by also applying the provisions of the following special zoning district designations to certain of such lands: SEC, Significant Environmental Concern; WRG, Willamette River Greenway.

Multnomah County ordains as follows:

Section 1. Purpose

- A. The Board of County Commissioners takes notice that the Multnomah County Planning Commission has, by Resolution PC-6 77, recommended adoption of (1) a Comprehensive Framework Plan which is in accord with the statewide planning goals adopted by the Land Conservation and Development Commission and (2) amendments of the text and map portions of the Multnomah County Zoning Ordinance, designed to implement the Framework Plan, particularly with respect to areas designated by the Plan as Rural or Natural Resource, with the objective of preserving those lands for appropriate agricultural, forestry, open space, residential and recreational use, all in the public interest.
- B. The Board finds that the following zoning districts and special zoning districts are desirable and appropriate means for achieving the objective referred to in paragraph A. of this section and should be given effect in the form of amendment to the Multnomah County

Zoning Map, pursuant to Section 2 of this Ordinance:
EFU-38, Exclusive Farm Use; CFU-38, Commercial Forest Use;
MUA-20, Multiple Use Agriculture; MUF-20, Multiple Use
Forest; RR, Rural Residential; RC, Rural Center; SEC,
Significant Environmental Concern; and WRG, Willamette
River Greenway.

Section 2. Amendment of Zoning Map

A. The following sectional zoning maps, as adopted November 15, 1962, including all subsequent amendments thereto as of the effective date of this Ordinance, are hereby amended by substituting therefore those sectional zoning maps contained in a book marked "Proposed Zoning Map Amendments Implementing Multnomah County Comprehensive Framework Plan, Rural and Natural Resource Areas - September, 1977," consisting of _____ pages of sectional zoning maps and on file with the Multnomah County Department of Environmental Services, Division of Planning and Development:

Nos. 1 through 86; 88 through 128; 131 through 134;
196; 199 through 201; 206 through 209; 216 through 218;
227; 228; 293; 299 through 301; 308 through 313; 321 through 325; 337; 452 through 460; 522; 523; 528; 529; 534 through 537; 540 through 545; 549 through 551; 556; 557; 562; 563; 568; 574; 586; 592; 597; 598; 603; 604; 610; 623 through 678; 680 through 828.

Section 3. Adoption

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth day after its adoption pursuant to Section 5.50 of

the Charter of Multnomah County.

Adopted this _____ day of _____, 1977, being the date
of its second reading before the Board of County Commissioners of
Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Chairman

APPROVED AS TO FORM:

John B. Leahy
County Counsel for Multnomah
County, Oregon

By _____
Laurence Kressel
Deputy County Council

ORDINANCE 148

09/06/77

**Legislative
History**

The Board of Commissioners of Multnomah County met at the Courthouse at 9:30 A.M. o'clock this date.

Present: Commissioner Clark, Chairman, presiding;
Commissioner Mosee, Commissioner Corbett, Commissioner Buchanan, Commissioner Gordon.

The following proceedings were had:

Second Reading - Proposed Ordinance adopting a Comprehensive Framework Plan and repealing certain portions of the Comprehensive Plan adopted October 6, 1964)
)
) O R D I N A N C E
) No. 147

Second Reading - Proposed Ordinance amending Ordinance) No. 100, establishing new districts to regulate development in areas designated "Rural or Natural Resource" by the Multnomah County Comprehensive Framework Plan;)
) O R D I N A N C E
) No. 148
) establishing standards and administrative review procedures for developments in the Willamette River Greenway and designated Areas of Significant Environmental Concern; adding and revising certain other sections and defining terms; all for the purpose of implementing various provisions of the Comprehensive Framework Plan)

Second Reading - Proposed Ordinance amending Ordinance) No. 100, amending the Multnomah County Zoning Map as it applies to lands classified as Rural or Natural Resource by the Multnomah County Comprehensive Framework Plan, adopted September 6, 1977, by variously applying the following zoning district designations to such lands: EFU-38, Exclusive Farm Use; CFU-38, Commercial Forest Use; MUA-20, Multiple Use Agriculture; MUF-20, Multiple Use Forest; RR, Rural Residential; and RC, Rural Center; and by also applying the provisions of the following special zoning district designations to certain of such lands; SEC, Significant Environmental Concern; WRG, Willamette River Greenway)
)
) O R D I N A N C E
) No. 149

Copies of the above-entitled proposed Ordinances available to all persons requesting same. Ordinances were read by title only.
At this time, a hearing was had in the above-entitled matters.

Martin Cramton, Director, Division of Land Use Planning, presented proposed amendments and revisions to Ordinances No. 147 and No. 148. (See Page 48½ and 48A for copy of proposed amendments and revisions)

Commissioner Corbett moved to adopt the amendments and revisions to Ordinances No. 147 and No. 148 as presented by Mr. Cramton. Motion duly seconded by Commissioner Gordon, and it is unanimously so

ORDERED.

The following persons testified in opposition to certain

(continued from Page 48)

Robert Stacey, attorney representing 1000 Friends of Oregon, testified in opposition to the zone designation of Multiple Use Agriculture in East Multnomah County and alleged that the proposed comprehensive framework plan did not comply with state land use laws.

George B. Armstrong, Sauvies Island, spoke in opposition to the proposed zone designation given his property.

The following persons testified in support of the proposed Comprehensive Framework Plan:

Alex Pierce, 650 NW St. Helens Avenue

Joyce Tsongas, 2922 NW 53rd Drive

Todd Norvell, 6720 NW Skyline, Vice-President of Forest Park Neighborhood.

Paul Meyer, 602 NW Skyline Crest, informed the Board that there had been many meetings in the community with public participation in connection with the above-entitled matter.

Harry Fowler, Rt. 1, Box 965, testified in support of the Plan only because he felt it was flexible for possible change in the future.

Chriss M. Hesse, 5746 NE 105th Ave., testified in support of citizen involvement regarding the Plan.

Gerald Brewster, Chairman of the Multnomah County Planning Commission, urged the Board to adopt the proposed ordinances.

Commissioner Mosee informed the Board that he had received phone calls from citizens unsatisfied with the Framework Plan and asked that it be held over for further study and citizen participation. Mr. Cramton and Commissioner Donald E. Clark responded to Commissioner Mosee's concerns.

Upon motion of Commissioner Gordon, duly seconded by Commissioner Corbett, it is

ORDERED that Ordinance No. 147 be hereby adopted by the Board, Commissioner Mosee voting No.

(See Supplement, Ordinances - J. 135 for copy)

Upon motion of Commissioner Gordon, duly seconded by Commissioner Buchanan, it is

ORDERED that Ordinance No. 148 be hereby adopted by the Board, Commissioner Mosee voting No.

(See Supplement, Ordinances - J. 135 for copy)

Upon motion of Commissioner Gordon, duly seconded by Commissioner Buchanan, it is

ORDERED that Ordinance No. 149 is hereby adopted by the Board, Commissioner Mosee voting No.

(See Supplement, Ordinances - J. 135 for copy)

At this time the Chairman called a three minute recess before continuing with the remainder of the agenda.

AMENDMENTS TO THE
EXCEPTIONS STATEMENT
dated August 29, 1977

AUGUST 30, 1977

Table of Contents, IV, C, change "agricultural" to "agriculture".

Page 17, 2, Social-Economic factors, paragraph 2, line 16, change "within" to "with", and under a. line 3, change "high" to "highly".

Page 18, d, line 6, change "isolation" to "isolated".

Page 21, paragraph 1, line 5, change "7,000" to "4,700".

Page 27, 6, Future Trends, line 13, change "in" to "with" and on line 14, change "as" to "are".

Page 28, line 2, change "economies" to "economics".

Page 30, following AREA 2, add, - "West Hills, 2500 acres"; under this heading on line 1, change "in" to "to".

Page 31, at the top of the page, add the following:

"Subarea 1 - Committed Lands 943 acres

Of the total 214 parcelled lots in the West Hills MUA district, there are 156 (72%) lots located in the committed area. The lot breakdown by acreage size is as follows:"

Subarea 2, strike in line 2, "and has reduced...units"; paragraph 3, line 2, change "areas" to "area".

Page 33, paragraph 1, line 4, change "agriculture" to "agricultural".

Page 34, paragraph 3, change "most" to "none"; and 2a, change line 3, "agricultural" to "agriculture"; and line 5, change "[1a 1S 3E]" to "[19 1S 3E]".

Page 36, add (*) to Subarea 1 and "*This figure does not include the rural centers"; and add: " after the word "space" on line 10; and change the word "soild" to "soils" on line 12; and add "ing" to "surround" on line 11.

Page 37, (e), line 7, change "farm" to "part";
Subarea 2b, line 2, change "Cazodero" to "Cazadero"; line 4, change "deferred" to "deferral".

Page 38, Subarea 2c:
line 5, add after "slope)", and II (Powell of lesser slope).
line 6, add ")" after "IV"; change "Wallent" to "Wollent".
line 7, change "Altron" to "Altman".

Subarea 2e:

- line 1, change "222" to "1,222".
- line 11, change "The" to "There are".
- line 12, delete "are".
- line 13, change "boarded" to "bordered" and insert the word "the" after the word "by".

Page 39, paragraph 1, line 8, change "II" to "III"; paragraph 3, line 1, change "daries" to "dairies".

Page 40, last paragraph, strike "Although....difficult" and add the remainder of the paragraph to (e).

Page 41, paragraph 1, line 7, change "scatter" to "scattered".

Page 42, 2a, begin the sentence by adding "This area includes";
2b, same as above, and add "and" after "parcels,".

Page 44, paragraph 2, line 25, strike the word "be".

Page 53, c., line 1, change "area" to "acre".

Multnomah County
Department of Environmental Services
Division of Planning and Development
September 6, 1977

REVISIONS TO PROPOSED ORDINANCE "B"

Words lined out are deleted; words underlined are added:

I SECTION 7, page 31:

~~Subsection 3.15 of Ordinance No. 100 is amended to read:~~

Subsections 3.15 through 3.1543 of Ordinance No. 100 are consecutively renumbered as Subsections 3.17 through 3.1743 and a new Subsection 3.15 is added to read as follows:

II SECTION 8, page 41:

Subsection 3.164.2.c:

Separate Lots of Record shall be deemed created when a ~~traet~~ street or zoning district boundary intersects a parcel of land.

III SECTION 10, page 51

Subsection 6.76.k:

Extraction of aggregates and minerals, the depositing of dredge spoils and similar activities permitted pursuant to the provisions of Section 7.50, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archaeological features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.

ORDINANCE 148

09/06/77

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 148

An Ordinance amending Ordinance No. 100, establishing new districts to regulate development in areas designated "Rural or Natural Resource" by the Multnomah County Comprehensive Framework Plan; establishing standards and administrative review procedures for developments in the Willamette River Greenway and designated Areas of Significant Environmental Concern; adding and revising certain other sections and defining terms; all for the purpose of implementing various provisions of the Comprehensive Framework Plan.

Multnomah County ordains as follows:

SECTION 1

Ordinance No. 100 is amended by adding the following subsections:

1.145 COTTAGE INDUSTRY

A processing, assembling, packaging or storage industry, generally employing fewer than 20 persons, conducted wholly within an enclosed building located on a site isolated from other such uses, generating low traffic volumes and with little or no noise, smoke, odor, dust, glare or vibration detectable at any property line.

1.2106 FEED LOT

Any pen, corral or structure wherein livestock are maintained in close quarters for the purpose of fattening for market.

1.255 HISTORICAL BUILDING

Any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites, Buildings, and properties approved for nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

1.445 PLANNING DIRECTOR

The Director of the Division of Planning and Development or the Director's delegate.

SECTION 2

The following subsections of Ordinance No. 100 are amended to read:

1.07 APARTMENT

Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

1.08 BASEMENT

That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

1.10 BOARDING, LODGING OR ROOMING HOUSE

Any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.

1.11 BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

1.13 BUILDING HEIGHT

The vertical distance above Grade as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

1.140 CELLAR

That portion of a building between floor and ceiling which is wholly or partly below grade, and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

1.17 DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

1.22 FLOOR AREA

The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

1.24 GRADE (Adjacent Ground Elevation)

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

1.53 STORY

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above.

If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

1.56 STRUCTURE

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

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.

SECTION 4

Ordinance No. 100 is amended by adding subsection 3.11, as follows:

3.11 COMMERCIAL FOREST USE DISTRICT CFU-38

3.111 PURPOSES

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber, and the production of wood fibre and other forest uses; to conserve and protect watersheds, wildlife habitats, and other forest associated uses; to protect scenic values; to provide for agricultural uses; to assure the orderly and planned development of public and private recreational and other uses which are compatible with forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

3.112 AREA AFFECTED

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

3.113 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:

3.113.1 PRIMARY USES

- a. Forest uses 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) (1977 Replacement Part), for the following purposes only:
 1. Raising and harvesting of 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 subsection 3.113.3.b;
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources; and
- e. Residential use consisting of a single-family dwelling constructed on a lot.

3.113.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential 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 in 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 3.113.1.a. or c. when the dwelling occupies the same lot as a residence permitted by subsections 3.113.1.e. or 3.113.2.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 3.113.1.a. or c.
 - (b) the standards of subsections 3.114.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.

- c. Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicinity, subject to the following condition:
 - 1. The location and design of any building, stand or sign in conjunction with wholesale and 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

3.113.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00.
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
 - 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. Wood processing operations other than those specified in subsection 3.113.1.b;
 - 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. Aircraft landing areas, in conjunction with forestry practices, notwithstanding the provisions of Section 6.10.

3.113.4 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 not more than 18 square feet, advertising the sale of products pursuant to the provisions of subsection 3.113.2.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.

3.113.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

3.114 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.114.1 and 3.115, 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 area 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 requirements if located at least 30 feet from any property line.

3.114.1 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 of 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.

- 3.114.2 Except as otherwise provided by subsections 3.114.1.b. and 3.115, 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 size or width requirements of this district.

3.115 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.113.3 shall be based upon:

- a. 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.

3.116 OFF-STREET PARKING AND LOADING

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

3.117 ACCESS

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

3.118 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.118.1 Conditional uses listed in subsection 3.113.3, 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 3.113.3.

- a. The term "change of use", as used in subsection 3.118.1, means the change from one conditional use listed in subsection 3.113.3 to another such conditional use.

SECTION 5

Ordinance No. 100 is amended by adding subsection 3.13, as follows:

3.13 MULTIPLE USE AGRICULTURE DISTRICT MUA-20

3.131 PURPOSES

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural 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 natural resource base, the character of the area, and the applicable County policies.

3.132 AREA AFFECTED

This subsection shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

3.133 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:

3.133.1 PRIMARY USES

- a. Farm uses, as defined in ORS 215.203(2) (a) (1977 Replacement Part), 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 subsection 3.133.3.b;
- b. The propagation or harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a lot; and
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.

3.133.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential 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 in 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 3.133.1.a. or b. when the dwelling occupies the same lot as a residence permitted by subsections 3.133.1.c. or 3.133.2., 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 1.133.1.a. or b.
 - (b) the standards of subsection 3.134.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.
- 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:
 1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

3.133.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
 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; and
 7. Commercial dog kennels.
- c. The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II, or III soils:
 1. Rural planned developments for single-family residences as provided in Section 7.10; and
 2. Pursuant to the provisions of Section 7.50:
 - (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.

3.133.4 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 subsection 3.133.2.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.

3.133.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

3.134 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.134.1, 3.134.2, 3.135 and 7.104.1, the minimum lot size shall be 20 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 area 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.

3.134.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit the creation of a lot of less than 20 acres, after the effective date of Ordinance No. 148, when in compliance with the requirements of subsection 3.134.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 or for forest use, considering the terrain,, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the purposes described in subsection 3.131;
- 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.

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

3.134.12 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 3.131.

3.134.13 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.

3.134.2 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.

c. Separate Lots of Record shall be deemed created when street or zoning district boundary intersects a parcel of land.

3.134.3 Except as otherwise provided by subsections 3.134.1, 3.135, and 7.104.1, 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 minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

3.135 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.133.3, except subparagraph c.1, 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.

3.136 OFF-STREET PARKING AND LOADING

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

3.137 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.

3.138 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.138.1 Conditional Uses listed in subsection 3.133.3, 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:

- a. any change from one conditional use listed in subsection 3.133.3 to another such conditional use, shall be subject to approval pursuant to the provisions of subsection 3.133.3; and
- b. any alteration of such conditional use listed in subsection 3.133.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

SECTION 6

Subsection 3.14 of Ordinance No. 100 is amended to read:

3.14 MULTIPLE USE FOREST DISTRICT MUF-20

3.141 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.

3.142 AREAS AFFECTED

This subsection shall apply to those lands designated MUF-20 on the Multnomah County Zoning Map.

3.143 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:

3.143.1 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) (1977 Replacement Part), 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 subsection 3.143.3.b.
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources; and
 - e. Residential use consisting of a single-family dwelling constructed on a lot.

3.143.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential 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 in 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 3.143.1.a. or c. when the dwelling occupies the same lot as a residence permitted by subsections 3.143.1.e or 3.143.2.a., subject to the following conditions:
 1. In the event the dwelling is constructed off-site, construction shall comply with subparagraph 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 3.143.1.a. or c;
 - (b) the standards of subsection 3.144.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.

- 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:

- 1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

3.143.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
 - 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 sub-surface resources;
 - 2. Commercial processing of forest products, primarily grown in the region, other than as specified in subsection 3.143.1.b;
 - 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; and
 - 7. Commercial dog kennels.
- c. The following Conditional Uses may be permitted upon findings in addition to those required by Section 7.50, that:
 - 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 single-family residences as provided in Section 7.10; and
- (b) Pursuant to the provisions of Section 7.50:
 - (1) Cottage industries;
 - (2) Limited rural service commercial uses, such as local stores, shops, offices, repair services, and similar uses; and
 - (3) Tourist commercial uses such as restaurants, gas stations, motels, guest ranches, and similar uses.

3.143.4 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 subsection 3.143.2.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.

3.143.5 TEMPORARY USES

When approved pursuant to subsections 12.71 and 12.72.

3.144 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.144.1, 3.144.2, 3.145, and 7.04.1, the minimum lot size shall be 20 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 area of such lot.

b.

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.

3.144.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than 20 acres, after the effective date of Ordinance No. 148, when in compliance with the dimensional requirements of subsection 3.144.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 the location or size of the tract;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the purposes described in subsection 3.141;
- 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.

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

3.144.12 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 3.141.

3.144.13 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.

3.144.2 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 of front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

c. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.

3.144.3 Except as otherwise provided by subsections 3.144.1, 3.145, and 7.104.1, 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.

3.145 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.143.3, except subparagraph c.1, 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.

3.146 OFF-STREET PARKING AND LOADING

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

3.147 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 passenger and emergency vehicles.

3.148 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.148.1 Conditional Uses listed in subsection 3.143.3, 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:

- a. Any change from one conditional use listed in subsection 3.143.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.143.3; and
- b. Any alteration of such conditional use listed in subsection 3.143.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

SECTION 7

Subsections 3.15 through 3.1543 of Ordinance No. 100 are consecutively renumbered as Subsections 3.17 through 3.1743, and a new Subsection 3.15 is added to read as follows:

3.15 RURAL RESIDENTIAL DISTRICT RR

3.151 PURPOSES

The purposes of the Rural Residential District 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.

3.152 AREA AFFECTED

This subsection shall apply to those lands designated RR on the Multnomah County Zoning Map.

3.153 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:

3.153.1 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. Raising of livestock and honeybees; or
 3. Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in subsection 3.153.3.b.
- b. The propagation or harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a lot; and
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.

3.153.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential 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 in 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 3.153.1.a. or b. when the dwelling occupies the same lot as a residence permitted by subsections 3.153.1.c. or 3.153.2.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 3.153.1.a. or b;
 - (b) the standards of subsection 3.154.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.
- c. Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:
 - 1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

3.153.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following conditional uses pursuant to the provisions of Section 7.50:
 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 of 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 more than 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 on lands not predominantly of Agricultural Capability Class I, II, or III Soils:
 1. Rural planned developments for single-family residences as provided in Section 7.10; and
 2. Cottage industries, pursuant to the provisions of Section 7.50.

3.153.4 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 agricultural products pursuant to the provisions of subsection 3.153.2.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.

3.153.5 TEMPORARY USES, when approved pursuant to subsections 12.71 and 12.72.

3.154 DIMENSIONAL REQUIREMENTS

- a. Except as provided in subsections 3.154.1, 3.154.2, 3.155, and 7.104.1, the minimum lot size shall be 5 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 area 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 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.

3.154.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than 5 acres, after the effective date of Ordinance No. 148, when in compliance with the dimensional requirements of subsection 3.154.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 or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
 - c. be compatible with accepted farming or forestry practices on adjacent lands;
 - d. be consistent with the purposes described in subsection 3.151;
 - 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.
- 3.154.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.
- 3.154.12 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 3.131.
- 3.154.13 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.

3.154.2 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.
- c. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.

3.154.3 Except as otherwise provided by subsections 3.154.1, 3.135, and 7.104.1, 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 minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

3.155 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsections 3.153.3, except. c.1, shall be based upon:

- a. the site size needs of the proposed use;
- b. the nature of the proposed use in relation to the impacts on nearby properties; and
- c. consideration of the purposes of this district.

3.156 OFF-STREET PARKING AND LOADING

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

3.157 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 passenger and emergency vehicles.

3.158 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.158.1 Conditional Uses listed in subsection 3.153.3, 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:

- a. any change from one conditional use listed in subsection 3.153.3 to another such conditional use, shall be subject to approval pursuant to the provisions of subsection 3.153.3; and
- b. any alteration of such conditional use listed in subsection 3.153.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

SECTION 8

Ordinance No. 100 is amended by adding subsection 3.16, as follows:

3.16 RURAL CENTER DISTRICT RC

3.161 PURPOSES

The purposes of the Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with limited local and tourist commercial uses which satisfy area and regional needs; to provide for local employment through light industrial uses consistent with rural character and to manage the location and extent of public service centers and limit the extension of public services.

3.162 AREA AFFECTED

This subsection shall apply to those lands designated RC on the Multnomah County Zoning Map.

3.163 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:

3.163.1 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. Raising of livestock and honeybees; or
 3. Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in subsection 3.163.3.b.
- b. The propagation or harvesting of forest products;
- c. Residential use consisting of a single-family dwelling constructed on a lot; and
- d. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.

3.163.2 USES UNDER PRESCRIBED CONDITIONS

- a. Residential 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 in 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 3.163.1.a. or b., when the dwelling occupies the same lot as a residence permitted by subsections 3.163.1.c. or 3.163.2.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 3.163.1.a. or b;
 - (b) the standards of subsection 3.164.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.

- c. Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:
 1. 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 Board of Adjustment pursuant to subsections 12.38 and 12.39.

3.163.3 CONDITIONAL USES

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

- a. Community Service Uses pursuant to the provisions of Section 7.00;
- b. The following Conditional Uses pursuant to the provisions of Section 7.50:
 1. Limited rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses;
 2. Tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, and similar uses;
 3. Cottage industries; and
 4. Commercial processing of agricultural products primarily grown in the vicinity.
- c. Rural planned developments pursuant to the provisions of Section 7.10. Duplex and apartment dwellings, not to exceed four dwelling units per lot, may be approved by the Hearings Council pursuant to the provisions of subsection 7.105.5.

3.163.4 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;
 3. Not more than two signs, with a combined area of no more than 18 square feet, advertising the sale of agricultural products pursuant to the provisions of subsection 3.163.2.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.

3.163.5 TEMPORARY USES

- a. Except as provided in subsections 3.164.1, 3.164.2, 3.165, and 7.104.1, the minimum lot size shall be one acre.

1. 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.

b.

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.

3.164.1 LOTS OF EXCEPTION

The Hearings Council may grant an exception to permit creation of a lot of less than one acre, after the effective date of Ordinance No. 148, when in compliance with the dimensional requirements of subsection 3.164.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 the location or size of the tract;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the purposes described in subsection 3.161;
- 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.

- 3.164.11 In no event shall the Lot of Exception provisions be used to divide any Lot of Record into more than two parcels.
- 3.164.12 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 3.161.
- 3.164.13 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.

3.164.2 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.
- c. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.

- 3.164.3 Except as otherwise provided by subsection 3.164.1, 3.165, and 7.104.1, 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 of less than the area or width requirements of this district.

3.165 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a conditional use permitted pursuant to subsection 3.163.3, except subparagraph c, 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.

3.166 OFF-STREET PARKING AND LOADING

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

3.167 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 passenger and emergency vehicles.

3.168 EXEMPTIONS FROM NON-CONFORMING USE PROVISIONS

3.168.1 Conditional Uses listed in subsection 3.163.3, 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:

- a. any change from one conditional use listed in subsection 3.163.3 to another such conditional use shall be subject to approval pursuant to the provisions of subsection 3.163.3; and
- b. any alteration of such conditional use listed in subsection 3.163.3 shall be subject to Design Review pursuant to the provisions of Section 7.60.

SECTION 9

Ordinance No. 100 is amended by adding Section 6.60, as follows:

6.60 WILLAMETTE RIVER GREENWAY DISTRICT WRG

6.61 PURPOSES

The purposes of the Willamette River Greenway District are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River; to implement the County's responsibilities pursuant to ORS 390.310 to 390.368; to establish Greenway Compatibility Review Areas; and to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.

6.62 AREA AFFECTED

This subsection shall apply to those lands designated WRG on the Multnomah County Zoning Map.

6.63 USES; GREENWAY PERMIT REQUIRED

All uses permitted pursuant to the provisions of the underlying district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use, except as provided in subsection 6.63.2, shall be subject to a Greenway Permit issued pursuant to the provisions of subsection 6.65.

6.63.1 DEFINITIONS

For the purposes of this section, the terms "change of use", "development", "develop", "farm use", and "intensification", shall have the meanings as defined in paragraph a. of the Order Adopting Preliminary Willamette River Greenway Plan of the Oregon Land Conservation and Development Commission, dated December 6, 1975.

6.63.2 EXCEPTIONS

A Greenway Permit shall not be required for the following:

- a. Farm Use, as defined in ORS 215.203(2) (a) (1977 Replacement Part), including buildings and structures accessory thereto;
- b. A single-family dwelling in conjunction with farm use, when located 150 feet or more from the ordinary low water line of the Willamette River;

- c. The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the Forest Practices Act from a farm woodlot of less than 20 acres as described in the definition of "farm use" in ORS 215.203;
- d. Gravel removal from the bed of the Willamette River, conducted under a permit from the State of Oregon;
- e. Customary dredging and channel maintenance;
- f. The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- g. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
- h. On scenic easements acquired under ORS 390.332(2) (a), the maintenance authorized by that statute and ORS 390.368;
- i. The use of a small cluster of logs for erosion control;
- j. The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- k. The maintenance and repair of existing flood control facilities; and
- l. Uses legally existing on the effective date of this ordinance; provided, however, that any change or intensification of such use shall require a Greenway Permit.

6.64 GREENWAY PERMIT APPLICATION

An application for a Greenway Permit shall address the elements of the Greenway Design Plan and shall be filed as follows:

- a. For a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in subsection 12.21.2; and
- b. For a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, the Greenway Permit application shall be combined with the required application for the proposed use, and filed in the manner provided in subsections 12.20 and 12.22.

6.65 WRG PERMIT; REQUIRED FINDINGS

A decision on a Greenway Permit application shall be based upon findings of compatibility with the elements of the Greenway Design Plan listed in subsection 6.66.

6.65.1 DECISION BY PLANNING DIRECTOR

A decision on a Greenway Permit application for a Permitted Use of a Use Under Prescribed Conditions shall be made by the Planning Director. The Director may approve the permit, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Design Plan.

6.65.11 Within ten business days following receipt of a completed Greenway Permit application, the Planning Director shall file a decision with the Director of the Department of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.

6.65.12 A decision by the Planning Director on a Greenway Permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

6.65.2 DECISION BY HEARINGS COUNCIL

A decision on a Greenway Permit application for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, shall be made by the Hearings Council in conjunction with the decision on the use proposal associated therewith.

6.65.21 Action by the Hearings Council on a Greenway Permit application shall be taken pursuant to subsections 12.20 through 12.30.

6.65.22 The findings and conclusions made by the Hearings Council, and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

6.65.3 SCOPE OF APPROVAL

Approval of a Greenway Permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

6.65.4 APPEALS

- 6.65.41 A decision by the Planning Director on a Greenway Permit application may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39.
- 6.65.42 A decision by the Hearings Council on a Greenway Permit application may be appealed to the Board of County Commissioners in the manner provided in subsection 12.31.

6.66 GREENWAY DESIGN PLAN

The elements of the Greenway Design Plan are:

- a. The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and the river.
- b. Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.
- c. Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses.
- d. Agricultural lands shall be preserved and maintained for farm use.
- e. The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- f. Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.
- g. Significant fish and wildlife habitats shall be protected.
- h. Significant natural and scenic areas and viewpoints and vistas shall be preserved.
- i. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

- j. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable to assure scenic quality protection from erosion and screening of uses from the river.
- k. Extraction of known aggregate deposits may be permitted, pursuant to the provisions of Section 7.50, when economically feasible and when conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.
- l. Areas of annual flooding, flood plains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions.
- m. Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
- n. Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.
- o. The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in the development, change of use, or intensification of use of land designated WRG.
- p. A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource districts, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use.
- q. Any development, change of use or intensification of use of land classified WRG, shall be subject to design review, pursuant to Section 7.60, to the extent that such design review is consistent with the elements of the Greenway Design Plan.

6.67

NOTICE TO DEPARTMENT OF TRANSPORTATION

The Planning Director shall mail to the State Department of Transportation a copy of any application for a Greenway Permit within ten days of the filing thereof, and a copy of the written decision thereon, at the time the same is filed, pursuant to subsection 6.65.11 or 12.30, as appropriate.

SECTION 10

Ordinance No. 100 is amended by adding Section 6.70, as follows:

6.70 SIGNIFICANT ENVIRONMENTAL CONCERN DISTRICT SEC

6.71 PURPOSES

The purposes of the Significant Environmental Concern District are to protect, conserve, enhance, restore and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes, and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wildlife and fish habitats, significant geological features, tourist attractions, historical and archeological features and sites, and scenic views and vistas, and to establish criteria, standards and procedures for the development, change of use or alteration of such features or of the lands adjacent thereto.

6.72 AREAS AFFECTED

This subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map.

6.73 USES; SEC PERMIT REQUIRED

All uses permitted pursuant to the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in subsection 6.73.1, shall be subject to an SEC permit. The excavation of any archeological site shall require an SEC permit, pursuant to subsection 6.75.1, regardless of the zoning designation of the site.

- a. Any excavation or any removal of materials of archeological, historical, prehistorical or anthropological nature shall be conducted pursuant to the conditions of an SEC permit.

6.73.1 EXCEPTIONS

An SEC permit shall not be required for the following:

- a. Farm use, as defined in ORS 215.203(2) (a) (1977 Replacement Part), including buildings and structures accessory thereto;
- b. Except as provided in subsection 6.76.c, the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the Forest Practices Act from a farm woodlot of less than 20 acres as described in the definition of "farm use" in ORS 215.203;

- c. Customary dredging and channel maintenance, but not the placement of spoils;
- d. The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- e. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;
- f. Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic waterways system;
- g. The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- h. The maintenance and repair of existing flood control facilities; and
- i. Uses legally existing on the effective date of this ordinance; provided, however, that any change or alteration of such use shall require an SEC permit as provided herein.

6.74 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, pursuant to subsection 6.76 and shall be filed as follows:

- a. For a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in subsection 12.21.2; and
- b. For a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service Use as specified in Section 7.00, the SEC permit application shall be combined with the required application for the proposed use, and filed in the manner provided in subsections 12.21 and 12.22.

6.75 SEC PERMIT; REQUIRED FINDINGS

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of SEC and with the criteria for approval specified in subsection 6.76.

6.75.1 DECISION BY PLANNING DIRECTOR

A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.

The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with subsection 6.76.

- 6.75.11 Within ten business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.
- 6.75.12 A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings and conclusions shall specifically address the relationships between the proposal and the criteria in subsection 6.76.

6.75.2 DECISION BY HEARINGS COUNCIL

A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in Section 7.50, or for a Community Service use as specified in Section 7.00, shall be made by the Hearings Council in conjunction with the decision on the use proposal associated therewith.

- 6.75.21 Action by the Hearings Council on an SEC permit application shall be taken pursuant to subsections 12.20 through 12.30.
- 6.75.22 The findings and conclusions made by the Hearings Council and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the criteria in subsection 6.76.

6.75.3 APPEALS

- 6.75.31 A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39.
- 6.75.32 A decision by the Hearings Council on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in subsection 12.31.

6.75.4 SCOPE OF CONDITIONS

Conditions of approval of an SEC permit, if any, shall be limited to the locations, design and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting.

6.75.41 Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

6.76 CRITERIA FOR APPROVAL OF SEC PERMIT

- a. The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake or flood water storage area.
- b. Agricultural land and forest land shall be preserved and maintained for farm and forest use.
- c. The harvesting of timber on lands designated SEC shall be conducted in a manner which will insure that natural, scenic and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- d. A building, structure or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.
- e. Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.
- f. The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- g. Significant fish and wildlife habitats shall be protected.
- h. The natural vegetative fringe along rivers, lakes and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion.
- i. Buildings, structures and sites of historic significance shall be preserved, protected, enhanced, restored and maintained in proportion to their importance to the County's history.
- j. Archeological areas shall be preserved for their historic, scientific and cultural value and protected from vandalism or unauthorized entry.
- k. Extraction of aggregates and minerals, the depositing of dredge spoils and similar activities permitted pursuant to the provisions of Section 7.50, shall be conducted in a manner designed

to minimize adverse effects on water quality, fish and wildlife, historical or archeological features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.

1. Areas of annual flooding, flood plains, water areas and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural functions.
- m. Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.
- n. The quality of the air, water and land resources in areas classified SEC shall be preserved in the development and use of such areas.
- o. The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

SECTION 11

Section 7.00 of Ordinance No. 100 is amended to read:

7.00 COMMUNITY SERVICE CS

7.010 PURPOSE

This Section provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Ordinance.

7.020 GENERAL PROVISIONS

7.021 Application for approval of a Community Service use shall be made in the manner provided in subsection 12.20.

7.022 The Hearings Council shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.

7.023 The approval of a Community Service Use shall expire two years from the date of such approval if substantial construction or development has not taken place, unless the Hearings Council shall have established a longer period.

7.024 A Community Service approval shall be for the specific use or uses together with the limitations or conditions as determined by the Hearings Council. Any change of use or modification of limitations or conditions shall be subject to Hearings Council approval after a public hearing.

7.025 In granting approval of a Community Service Use, the Hearings Council may attach limitations or conditions to the development, operation or maintenance of such use in relation to the purposes of this Ordinance, including but not limited to setbacks, screening and landscaping, off-street parking and loading, access performance standards, performance bonds, structure height and location or construction standards.

7.025.1 Uses authorized pursuant to this section shall be subject to design review approval pursuant to Section 7.60.

7.026 A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

7.027 COMMUNITY SERVICE APPROVAL IN CERTAIN DISTRICTS: STANDARDS

The following standards shall be applied to the approval of a Community Service Use in the EFU-38, CFU-38, MUA-20, MUF-20, RR and RC districts:

7.027.1 The Hearings Council shall find that the proposal:

- a. is consistent with the character of the area;
- b. will not adversely affect natural resources;
- c. will not conflict with farm or forest uses in the area;
- d. will not require public services other than those existing or programmed for the area;
- e. will not create hazardous conditions; and
- f. will satisfy the applicable policies of the Comprehensive Plan.

7.030 USES

Except as otherwise provided in Section 3.10, the following uses, and those of a similar nature, may be permitted in any district; provided such is consistent with the purposes of this Ordinance and when approved at a public hearing by the Hearings Council:

- a. Boat moorage, marine or boathouse moorage.
- b. Camp or campground.
- c. Cemetery, crematory, mausoleum, mortuary or funeral home.
- d. Church.
- e. Government building or use.
- f. Hospital, sanitarium, rest or retirement home.
- g. Library.
- h. Park, playground, sports area, golf course or recreational use of a similar nature.
- i. Philanthropic or eleemosynary institution.
- j. Power substation or other public utility building or use.
- k. Private club, fraternal organization, lodge.
- l. Racetrack.
- m. Radio or television station or tower.
- n. Refuse dump or sanitary landfill.

- o. Resort, dude ranch, hunting or fishing lodge.
- p. Riding academy or the boarding of horses for profit.
- q. School, private, parochial or public; educational institution.
- r. Accessory uses to the above when approved by the Hearings Council.
 - 1. Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

7.040 RESTRICTIONS

These buildings and uses shall meet the following requirements:

- 7.041 Minimum yards in EFU-38, CUF-38, F-2, MUA-20, MUF-20, RR, RC, R-40, R-30, R-20, and R-10 districts:
 - a. Front yards shall be 30 feet.
 - b. Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.
 - c. Rear yards shall be as required in the district.
- 7.042 Minimum yards in R-7.5, R-7, R-4, A-2, and A-1-B districts:
 - a. Front yards shall be 30 feet.
 - b. Side yards for one-story buildings shall be 15 feet; for two story buildings, 20 feet.
 - c. Rear yards shall be as required in the district.
- 7.043 Minimum yards in other districts shall be as required in the district.
- 7.044 Minimum Site Size:
 - a. For day nurseries and kindergartens, shall provide not less than 100 square feet per child, of outdoor play area located other than in the required front yard.
 - b. For primary (kindergarten through fourth grade), private and parochial schools shall be one acre for each 90 pupils or one acre for each three classrooms, whichever is greater.

- c. For elementary public schools, shall be one acre for each 75 pupils or one acre for each two and one-half classrooms, whichever is greater.
 - d. For churches, shall be 15,000 square feet.
- 7.045 Off-street parking and loading shall be provided as required in Section 6.20.
- 7.046 Any sign associated with a Community Service Use in an EFU-38, CFU-38, MUA-20, MUF-20, or in an F, R, or A district:
 - a. shall be limited to identification of the use or occupancy of the premises;
 - b. may be only indirectly illuminated;
 - c. shall be either placed flat against the building or, if freestanding, located not less than 15 feet from a street lot line; and
 - d. shall be limited to not more than two signs with a maximum total area on one side of four square feet unless the Hearings Council shall determine that other standards would be in harmony with the area.
- 7.047 Other restrictions and limitations shall be as required in the district.

SECTION 12

Ordinance No. 100 is amended by adding Section 7.10, as follows:

7.10 RURAL PLANNED DEVELOPMENT RPD

7.101 PURPOSES

The purposes of the Rural Planned Development Section are to provide standards and procedures for the orderly development of rural land demonstrated as not suitable for agricultural or forest use, but adequate for rural residential purposes; to promote desirable rural living environments while preserving rural character; to encourage innovative approaches to the development of rural areas within the limits of topography and the natural resources while recognizing that the residents will be adjacent to normal and accepted farming or forestry practices; to realize economies of cost and energy savings in rural land development and to limit the extension of accesses and public services.

7.102 GENERAL CONDITIONS

- a. At the time of application, the proposed Rural Planned Development site shall consist of contiguous property under single or multiple ownerships identified in the application, and shall be capable of being planned and developed as one unit.
- b. The reduction or averaging of lot sizes below the requirements of the district shall be under means which assure that density of development will not exceed the density approved. Such means may include common ownership, unit or condominium ownership, easements, deed restrictions or similar means.
- c. Water supply and sewage disposal facilities shall be approved by appropriate State or County agencies.

7.103 USES

Uses permitted in the district are permitted on sites approved for RPD.

7.104 DENSITY

The number of dwellings permitted on an RPD site shall be determined by dividing the gross site acreage by the following divisors:

<u>DISTRICT</u>	<u>DIVISOR</u>
MUA-20	10
MUF-20	10
RR	3
RC	0.5

7.104.1 Individual lots in an approved RPD may be smaller than the average derived from subsection 7.104, if other lots are larger or the balance is held in open space, farm or forest use, pursuant to subsection 7.102.b, so that the permitted number of dwellings is not exceeded.

7.104.2 The minimum area of any residential lot shall be not less than that required for an approved sewage disposal system.

7.105 PROCEDURES

The development of land under the standards of RPD shall be subject to approval by the Board of Adjustment or Hearings Council, as appropriate, pursuant to the procedures described in subsections 7.105.1 through 7.107.

7.105.1 PRELIMINARY RPD PLAN

A preliminary plan shall be submitted to the Division of Planning and Development for review at a pre-initiation conference pursuant to subsection 12.22. The preliminary plan shall include the information required for a General RPD Plan under subsection 7.105.2, in outline form, and a written statement of sufficient detail to describe the general characteristics of the area and the development concept.

7.105.2 GENERAL RPD PLAN

Following the pre-initiation conference, the applicant shall initiate an action by filing an application, which shall include a general plan, with the Division of Planning and Development. The general plan shall include:

- a. General maps, which may be in schematic form, indicating existing topography, soil types and characteristics, vegetation and watercourses, existing and proposed uses, open spaces, lotting and access.
- b. A written statement describing the following:
 1. Existing and proposed ownerships.
 2. Proposed housing types and locations.
 3. The manner in which the proposal is consistent with the Comprehensive Plan and the purposes described in subsection 7.101.
 4. Water supply and sewage disposal facilities.
 5. The expected schedule of development.

c. A preliminary subdivision or land division application as required by County regulations.

d. The required fee.

7.105.3 HEARING

A hearing on a proposed Rural Planned Development shall be held pursuant to subsections 12.25 through 12.25.3, as follows:

a. A hearing on a proposal to divide land into three parcels or less in any calendar year shall be held by the Board of Adjustment.

b. A hearing on a proposal to divide land into four or more parcels in any calendar year shall be held by the Hearings Council.

7.105.4 DECISION

A decision on a proposed Rural Planned Development by the Board of Adjustment or Hearings Council shall be based on findings pursuant to subsection 7.105.5.

7.105.5 FINDINGS

Approval, or approval with conditions, shall be granted only on findings that a proposed Rural Planned Development will:

- a. substantially maintain or support the character and the stability of the overall land use pattern of the area;
- b. utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation or the location or size of the tract;
- c. be compatible with accepted farming or forestry practices on adjacent lands;
- d. be consistent with the Comprehensive Plan and the purpose described in subsection 7.101;
- 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.

7.106 EXPIRATION OF APPROVAL

Approval of a Rural Planned Development shall be void after the expiration of 18 months from a decision if no substantial construction or substantial expenditure of funds consistent with the apporoval have occurred on the property, unless a greater time period was initially authorized by the Board of Adjustment or Hearings Council, as appropriate.

7.107 MINOR CHANGES

Pursuant to the standards in subsection 6.4502, minor changes in an approved Rural Planned Development may be approved by the Planning Director on the payment of the prescribed fee.

SECTION 13

Section 7.50 of Ordinance No. 100 is amended to read:

7.50 CONDITIONAL USES CU

7.51 PURPOSES

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

7.52 GENERAL PROVISIONS

7.521 STATUS

Approval of a conditional use shall not constitute a change of zoning classification and shall be granted by the Hearings Council for the specific use authorized, subject to such reasonable conditions and restrictions as may be determined to be necessary by the Hearings Council or as specifically provided herein.

7.522 CONDITIONS AND RESTRICTIONS

The Hearings Council may attach conditions and restrictions to any conditional use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, off-street parking, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Ordinance and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.

7.523 CONDITIONAL USE IN CERTAIN DISTRICTS: STANDARDS

The following standards shall be applied to the approval of uses designated as Conditional Uses in the EFU-38, CFU-38, MUA-20, MUF-20, RR and RC districts:

7.523.1 The Hearings Council shall find that the proposal:

- a. is consistent with the character of the area;
- b. will not adversely affect natural resources;
- c. will not conflict with farm or forest use in the area;

- d. will not require public services other than those existing or programmed for the area;
- e. will not create hazardous conditions; and
- f. will satisfy the applicable policies of the Comprehensive Plan.

7.524 DESIGN REVIEW

Uses authorized pursuant to this section shall be subject to design review approval pursuant to Section 7.60.

7.53 PERMITS

7.531 CONDITIONAL USE PERMIT

A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the Hearings Council or Board of County Commissioners, in addition to those specifically set forth in this ordinance.

7.532 REVOCATION OF PERMIT

A conditional use permit may be suspended or revoked by the Hearings Council when any of the conditions or restrictions imposed are not satisfied.

- a. A conditional use permit shall be suspended only after a hearing before the Hearings Council. Written Notice of the hearing shall be given to the owner of the property at least ten days prior to the hearing.
- b. A suspended permit may be reinstated, if in the judgement of the Planning Director, the conditions or restrictions imposed in the approval have been satisfied.
- c. A revoked permit may be reinstated only on approval by the Hearings Council of a new application for a conditional use.

7.54 CONDITIONAL USE

Except as otherwise provided in each district, the following conditional uses may be permitted in any district when approved pursuant to this ordinance.

- 7.5401 The uses listed as conditional uses within each district, subject to the findings, criteria and standards stated therein.

7.5402 ANIMAL KEEPING

a. Dogs

1. Uses: Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the Hearings Council as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.
2. Location Requirements: These uses shall be permitted only in the following areas and only where they will not conflict with the surrounding property uses:
 - (a) In CUF-38, F-2, MUA-20, MUF-20, and RR districts or those areas of similar low population density.
 - (b) C-3, or C-2 commercial districts.
 - (c) Manufacturing districts.
3. Minimum site size requirements:
 - (a) Area: Two acres.
 - (b) Width: Two hundred fifty feet.
 - (c) Depth: Two hundred fifty feet.
4. Minimum setback requirements: These uses shall be located no closer than one hundred feet to any lot line, in or adjacent to an "F", "R", or "A" district.
5. Signs:
 - (a) Signs shall be limited to not more than two identification signs, non-illuminated, with a maximum total area on one side of eight square feet.
 - (b) No sign shall be located closer than ten feet to any lot line.
 - (c) No sign shall exceed a height of six feet above the natural grade at the sign location.
 - (d) Signs in a commercial or manufacturing district may conform to the sign requirements of that district.

6. Other Requirements:

- (a) All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.
 - (b) All kennels, runs, and other facilities shall be designed constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
 - (c) The owner or operator of a use approved under this section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.
 - (d) A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.
7. Other approvals: The Hearings Council may request the advice of the County Dog Control officer, officials of humane societies, and veterinarians before approving an application hereunder.

7.5403 MINERAL EXTRACTION

- a. Mining of geothermal resources, sand, gravel, rock and earthen minerals.
 - 1. Mining shall mean the removal of all minerals, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping and dredging. The definition of mining shall also include the filling of sites for protection from flood or dumping sites from dredging operations.
 - 2. Minerals shall mean soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits.

- (a) Geothermal resources shall have the meaning as defined in ORS 522.005.
3. Allowed uses:
- (a) Excavation of minerals including the storage, stock piling, distribution and sale thereof;
 - (b) The installation and operation of plants or apparatus for rock crushing and cement treatment of base minerals, including screening, blending, washing, loading and conveying of such materials; and
 - (c) Mining and processing of geothermal resources as defined by ORS 522.005.
4. Secondary uses requiring special approval: Secondary activities utilizing the extracted minerals such as mixing or batching plants or manufacturing the extracted minerals into finished products, may be permitted, providing the Hearings Council makes a finding that such secondary use is appropriate for the area. In making such determination, the Hearings Council shall consider the environmental impact such plant will have on the surrounding area.
5. Buildings: The following buildings may be constructed upon the land as are reasonably necessary for the conduct of the permitted uses:
- (a) Shops, garages and warehouses for the repair, maintenance and storage of equipment or supplies.
 - (b) Office space.
 - (c) Not more than two single-family dwelling units for employees.
6. Location requirements: The uses as provided by subsection 7.5403 a.3. and 4. may be permitted in any district where the Hearings Council finds that an economic deposit of a mineral resource exists.
7. Minimum site size requirements: Minimum site size shall be at least two acres unless otherwise approved by the Hearings Council.
8. Minimum setback: The Hearings Council shall impose setback requirements appropriate for the nature of the use and the area where the use is to be conducted.

9. Signs: Signs shall meet the following requirements:
- (a) Not more than two identification signs per lot.
 - (b) Shall not be electrically illuminated.
 - (c) Maximum area on one side shall not exceed eight square feet.
 - (d) Shall not exceed a height of six feet above the natural grade at the sign location.
 - (e) Signs in a commercial or manufacturing district shall conform to the sign requirements of that district.
10. Other requirements: The Hearings Council may impose additional conditions, restrictions or requirements as it deems necessary, taking into consideration the following:
- (a) Access and traffic;
 - (b) Screening, landscaping and lighting;
 - (c) Signing;
 - (d) Reclamation;
 - (e) Hours of operation;
 - (f) Erosion control;
 - (g) Air, water and noise pollution control;
 - (h) Setbacks and buffers;
 - (i) Insurance;
 - (j) Architectural design of structures;
 - (k) Excavation depths and slopes; and
 - (l) Phasing program.
11. Other approvals: Before the Hearings Council may consider an application for any mineral extraction, the applicant shall show that conditional approval has been received from all governmental agencies having jurisdiction over mineral extraction. Each application shall be accompanied by completed forms as required by ORS 517.750 to 517.900.

- b. All surface mining uses that have previously been approved pursuant to Section 5.412(v) and 5.430, may continue to operate without the necessity of conforming to the requirements of this ordinance, provided, however, that the previously approved uses continue to comply with the following requirements:
1. No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one foot horizontal for one foot vertical.
 2. No mining, quarrying, excavating or processing of material shall be permitted closer than 100 feet from the boundaries of a Natural Resource, Rural, Residential or Commercial district.
 3. Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring fence, except for reasonable areas of access and egress, as designated by the Board of Adjustment.
 4. No permanent structure, such as rock crusher, washer or sorter, shall be located closer than five hundred feet from any district boundary.
- c. All new applications for surface mining shall be pursuant to subsection 7.5403.

7.5404 WATERFRONT USES

a. HOUSEBOATS AND HOUSEBOAT MOORAGES

The location of a houseboat or the location or alteration of an existing houseboat moorage shall be subject to approval of the Hearings Council.

1. Houseboats shall mean any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility.
2. Houseboat moorage shall mean the provision of facilities for two or more houseboats.
3. Location Requirements: Houseboats shall be permitted only as designated by the Comprehensive Plan.
4. Criteria for Approval: In approving an application pursuant to this subsection, the Hearings Council shall find that:

- (a) The proposed development is in keeping with the overall land use pattern in the surrounding area;
 - (b) The development will not adversely impact, or be adversely affected by normal fluvial processes;
 - (c) All other applicable governmental regulations have, or can be satisfied; and
 - (d) The proposed development will not generate the untimely extension or expansion of public facilities and services including, but not limited to, schools, roads, police, fire, water and sewer.
5. Density: The maximum density of houseboats shall not exceed one for each 50 feet of waterfront frontage. The Hearings Council in approving a houseboat moorage may reduce the density below the maximum allowed upon finding that:
- (a) Development at the maximum density would place an undue burden on school, fire protection, water, police, road, basic utility or any other applicable service.
 - (b) Development at the maximum density would endanger an ecologically fragile natural resource or scenic area.
6. Signs: The following signs shall be permitted:
- (a) A sign advertising the sale or rental of a premises; not artificially illuminated, of a temporary nature, with a maximum area on one side of eight square feet, when erected at least ten feet behind 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.
7. Parking:
- (a) Two automobile spaces shall be provided for each houseboat.
 - (b) The parking area and all ingress and egress thereto shall be constructed two feet above the elevation of the 100 year flood, and pursuant to the provisions of Section 6.20.

8. Other Requirements:

- (a) All ramps, walkways and moorage spaces shall be designed, constructed and maintained to provide maximum safety in all weather conditions.
- (b) Lighting adequate to provide for the safety of residents and visitors shall be provided throughout a houseboat moorage.
- (c) Siting and design of all pickup and delivery facilities shall insure maximum convenience with minimum adverse visual impacts.

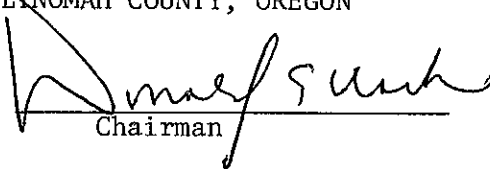
SECTION 14 ADOPTION

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 6th day of September, 1977, being the date of its SECOND reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

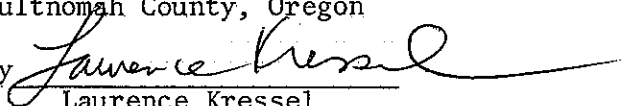
By


Chairman

APPROVED AS TO FORM:

John B. Leahy
County Counsel for
Multnomah County, Oregon

By


Laurence Kressel
Deputy County Counsel



LUP Hearings <lup-hearings@multco.us>

Applicant's First Open Record Period Submission -- T3-2022-16220

Zoe Powers <zpowers@radlerwhite.com>

Mon, May 5, 2025 at 11:47 AM

To: LUP Hearings <lup-hearings@multco.us>

Cc: "Peters, David" <David.Peters@portlandoregon.gov>, Renee France <rfrance@radlerwhite.com>, Zoe Powers <zpowers@radlerwhite.com>

**External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Multnomah County Staff,

At this link, please find the applicant's submissions into the record for the First Open Record Period of T3-2022-16220 on remand:

<https://radlerwhite.sharefile.com/d-sc32887acc9964f03b16e192384a89def>

I have personally endeavored to make sure these are all searchable, unlocked/editable, and of a proper size. I understand that in our last submission we missed recognizing that one of the documents was locked by an engineer's stamping procedure and it caused additional work for staff. Please let me know if you have that issue again and I will have the document corrected.

Thank you,

Zoe Lynn Powers

Partner



Direct Telephone: 971.634.0215

E-Mail: zpowers@radlerwhite.com

Address: 111 SW Columbia Street, Suite 700, Portland, OR 97201

Website: www.radlerwhite.com

Pronouns: She/her

Work Hours: I work normal business hours all days except for Tuesdays. **On Tuesdays, I work until 2:30 PM and then return around 7 PM.** If you have an urgent matter on a Tuesday afternoon between 2:30 PM and 7 PM, please call my legal assistant, Brittany, at 971.634.0216. Brittany will be able to contact me.

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers