



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

August 3, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Multnomah County Plan Amendment  
DLCD File Number 002-04 A



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 18, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Gary Fish, DLCD Regional Representative  
Gary Clifford, Multnomah County

<paa> ya/



**FORM 2**

DEPT OF

**D L C D NOTICE OF ADOPTION**

JUL 31 2006

This form must be mailed to DLCD within 5 working days after the final decision AND CONSERVATION  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

✓ PC 04-002  
✓ PC 04-005  
✓ PC 05-001  
✓ PC 05-003  
✓ PC 06-003  
✓ PC 06-005  
COMBINED INTO ONE ORDINANCE

Jurisdiction: MULTNOMAH COUNTY Local File No.: \_\_\_\_\_  
Date of Adoption: JULY 27, 2006 Date Mailed: JULY 28, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: PC 04-002: APRIL 23, 2004 AND PC 04-005: AUG. 20, SEPT 3, 2004 AND PC 05-001: FEB. 18, 2005 AND PC 05-003: NOV. 22, 2005 AND

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment PC 06-003: APRIL 19, 2006 AND PC 06-005: MAY 26, 2006  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: \_\_\_\_\_

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

"HOUSEKEEPING"; AMENDMENTS TO FOREST PRACTICES SETBACKS, CHANGE OF APPROVAL AUTHORITY FOR NEW FOREST DWELLINGS ON VACANT PARCELS FROM HEARINGS OFFICER TO PLANNING DIRECTOR; AMENDMENTS TO DEVELOPMENT STANDARDS IN FOREST ZONES; AMENDMENTS TO PROPERTY LINE ADJUSTMENT SECTIONS; PLAN AND ZONE CHANGE FOR TWO ADJACENT PROPERTIES

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: OR TO OCI <sup>AND TO</sup> OCI TO OR

Zone Map Changed from: OR TO OCI <sup>AND TO</sup> OCI TO OR

Location: 814 AND 823 SE ORIENT DRIVE, GRESHAM Acres Involved: .86 AND .88

Specify Density: Previous: NO CHANGE New: NO CHANGE

Applicable Statewide Planning Goals: 4

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 002-04A003-04 (13599) 001-05 (13828) 005-05 (14162) 003-06 (14829) 004-06 (15081) (15156)

FORM 1 ENCLOSED ARE REVISED PROPOSED CODE AMENDMENTS. **COPY**

Mailed 8-13-04 KC

### DLCD NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing  
per ORS 197.610, OAR Chapter 660 - Division 18  
and Senate Bill 543 and effective on June 30, 1999.  
(See reverse side for submittal requirements)

Jurisdiction: MULTNOMAH COUNTY Local File No.: PC 04-002 → Now **DIVIDED**  
(If no number, use none)  
Date of First Evidentiary Hearing: JUNE 7, 2004 Date of Final Hearing: JULY 15, 2004 INTO **PC04-002 AND PC 04-004**  
(Must be filled in) (Must be filled in)  
Date this proposal was sent or mailed: APRIL 23, 2004  
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes: \_\_\_ No: X Date: \_\_\_\_\_

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."  
PROPOSED TECHNICAL CORRECTIONS AND "HOUSEKEEPING"  
ZONING CODE AMENDMENTS TO ADMINISTRATION/PROCEDURES;  
HOME OCCUPATION; ZONING MAP; HISTORICAL SITES; DIMENSIONAL STANDARDS FOR  
ROADS; CLARIFY MEANING OF "ADJACENT" IN SEC ZONE; CORRECT ALLOWABLE SIGNS

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_  
Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_  
Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_  
Specified Change in Density: Current: \_\_\_\_\_ Proposed: \_\_\_\_\_  
Applicable Statewide Planning Goals: 1, 3, 4  
Is an Exception Proposed? Yes: \_\_\_ No: X  
Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: GARY CLIFFORD Area Code + Phone Number: \_\_\_\_\_  
Address: 1600 SE 190TH AVENUE  
City: PORTLAND Zip Code + 4: 97233

DLCD No.: \_\_\_\_\_

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: \_\_\_ No: \_\_\_

If no, do the Statewide Planning Goals apply. Yes: \_\_\_ No: \_\_\_

If no, did The Emergency Circumstances Require immediate adoption. Yes: \_\_\_ No: \_\_\_

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: \_\_\_\_\_ Area Code + Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Zip Code+4: \_\_\_\_\_ Email Address: \_\_\_\_\_

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1079**

Amending MCC Chapters 33, 34, 35 36, 37 and 38 to Make Technical Corrections, Update Code Relating to Forest Zones, Change Decision Maker for Certain New Dwellings in Forest Zones, Improve Consistency of Property Line Adjustment Review Procedures and Approval Criteria, Add Mandated State of Oregon Approval Criteria, and Correct the Plan and Zoning Designation for Two Properties

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

**The Multnomah County Board of Commissioners Finds:**

- a. Periodically it is necessary to amend the Zoning Code to make technical corrections, clarifications, and change land use review procedures. This ordinance includes all of these code improvements.
- b. Technical corrections include numbering corrections; deleting references to superseded land use review procedures (historic building permits and special districts); removing non-conforming use related regulations that have been superseded by State Statutes (pre-existing communication facilities and non-conforming signs ); updating the review procedure for certain historic building permits to be a Type 4 permit; deleting reference to message board signs because they are not allowed in the rural areas; and adding the definition of “regularly maintained” which was left out of amendments in Ordinance 1064.
- c. The majority of code clarifications involve how forest practices setbacks and fire safety zones are applied in the Commercial Forest Use zoning districts. The forest zone amendments in Part II of this ordinance include four new definitions, a new table showing how the setbacks and fire safety zones are to be applied to specific development proposals, and a reorganization of the forest district regulations by grouping like standards together.
- d. Other clarifications include describing where the mapped zoning district boundary falls in a public road; adding language to the definition of “same ownership” to prevent the inclusion of the seller of a “sales contract” from having “possessory interest” in a property; making corrections to specify that it is the County Road Official that determines the public right-of-way road widths during permit application reviews; removing the words “same ownership” in the approval criteria for a farm dwelling where using that term results in an unintended tie-in with the Lot of Record code section; clarifying the use of the word “adjacent” in a permit requirement; adding a purpose statement and diagram to a driveway location standard; and amending requirements for a “complete application” to match amendments adopted in Section 3 of Ordinance 1065.
- e. Amendments to land use review procedures include changing “Lots of Exception” in all “exception zones” (MUA-20, RR, RC OR and PH-RC) and certain forest dwelling application reviews (Large Acreage, Template, and Heritage Tract Dwellings) from a Type 3 Permit review to a Type 2 Permit review.

- f. Amendments to Zoning Code Chapters implement the concept of moving all approval criteria for property line adjustments to be within the regulations for each zoning districts and to retain the needed procedures and surveying requirements in the land division part of the code.
- g. This ordinance also amends all zoning districts to attain greater uniformity regarding review procedures and specific approval criteria for adjustments to property lines. In addition, a minor clarification to the "access" requirements makes clear that certain Lots of Record are not required to abut a street.
- h. In addition it is proposed to add four land uses to the listed allowed uses in the Orient Rural Center Residential (OR) and Orient Commercial-Industrial (OCI) zoning districts. Those uses were inadvertently omitted during the adoption of the districts in December 2002.
- i. Related to the OR and OCI zoning text corrections, included in this ordinance is a correction of the Comprehensive Plan Map and zoning map designation for two properties that received the OR and OCI zoning designations with the adoption of the West of Sandy River Rural Area Plan (Ordinance No. 1001).
- j. Public hearings on these amendments were held before the Planning Commission where all were approved for recommendation to the Board of County Commissioners.

**Multnomah County Ordains as follows:**

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**PART I – TECHNICAL/HOUSEKEEPING CORRECTIONS**

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**Section 1. §§ 33.0005, 34.0005, 35.0005 and 36.0005, Definitions, are amended as follows:**

**33.0005 Definitions**

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

\* \* \*

(H) (1) **Habitable dwelling** – An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights; and
- (d) Has a heating system; and
- (e) Was lawfully established.

\* \* \*

**(8) Home Occupation –**

\* \* \*

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 33.6300 ~~and through~~ 33.6650.

**34.0005 Definitions**

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

\* \* \*

**(H) (1) Habitable dwelling –** An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights; ~~and~~
- (d) Has a heating system; ~~and~~
- (e) Was lawfully established.

\* \* \*

**(8) Home Occupation –**

\* \* \*

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 34.6300 ~~and through~~ 34.6650.

\* \* \*

**35.0005 Definitions**

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

\* \* \*

**(H) (1) Habitable dwelling –** An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights; ~~and~~
- (d) Has a heating system; ~~and~~
- (e) Was lawfully established.

\* \* \*

**(8) Home Occupation –**

\* \* \*

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 35.6300 ~~and through~~ 35.6650.

\* \* \*

**36.0005 Definitions**

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

\* \* \*

**(H) (1) Habitable dwelling –** An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights; ~~and~~
- (d) Has a heating system; ~~and~~
- (e) Was lawfully established.

\* \* \*

**(8) Home Occupation –**

\* \* \*

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the ~~€~~Type A home occupation. Type B home occupations shall be approved as per MCC 36.6300 ~~and through~~ 36.6650.

\* \* \*

**Section 2. §§ 33.0015, 34.0015, 35.0015 and 36.0015, Zoning Map, are amended as follows:**

(A) The designations, locations and boundaries of the respective districts and certain combinations thereof described in this Chapter are established as shown by appropriate color designations, symbol or short title identification upon the *Multnomah County Zoning Map*. The *Zoning Map* consists of a series of bound and indexed Sectional Zoning Maps numbered sheets ~~1 through 828~~ until such time as the districts and subdistricts depicted on each respective Sectional Zoning Map are replaced by maps generated as electronic layers within a Geographic Information System (GIS). All GIS Zoning Maps replacing the Sectional Zoning Maps shall be legislatively adopted. The GIS-generated Zoning Maps depicting districts and subdistricts shall be periodically readopted to reflect more accurate mapping information as it becomes available. The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Chapter as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Chapter, the written portion shall control.

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

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

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

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

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

**Section 3. §§ 33.0520, 34.0520, 35.0520 and 36.0520, Historical Structures and Site Permits, are amended as follows:**

\* \* \*

(C) An application for a permit to remove or demolish a building or structure described in this Section shall be subject to the following:

(1) The permit shall not be issued for 120 days following the date of filing, unless otherwise authorized by the Board under subpart (7) of this subsection.

(2) The permit application shall be considered an action a Type IV decision to be initiated by the record owner or the owner's agent, ~~under MCC 33.0705 (B).~~

(3) Except as otherwise provided in this subsection, the application shall be subject to the applicable provisions of MCC Chapter 33.0700 through 33.0745 and MCC 33.0770 through 33.0775.

(4) A hearing on the application shall be held by the Planning Commission.

(5) The decision of the Planning Commission shall be in the form of a recommendation to the Board.

(a) The Planning Commission may recommend measures to preserve the building or structure, with or without conditions, including by purchase, trade, relocation or by approval of a change of use notwithstanding the use limitations of the district;

(b) The Planning Commission may recommend removal or demolition of the building or structure based upon a finding that practical preservation measures are inadequate or unavailable.

(c) The Planning Commission recommendation shall be based upon findings in relation to the applicable policies of the Comprehensive Plan.

(6) The Planning Commission decision shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced.

(7) The Board shall conduct a de novo hearing on the application under the notice and review procedures of a type IV decision and the approval criteria in (5) above provisions of MCC 33.0770 through 33.0775. The Board may affirm, reverse, or modify the recommendation of the Planning Commission. The approval criteria of MCC 37.0705 shall not apply to the decision.

(8) In the event the Board fails to act on the application within the 120-day period specified in subpart (C) (1) of this subsection, the Building Official may issue the permit.

\* \* \*

**Section 4. §§ 33.2010, 33.2210, 33.2410, 33.2610, 34.2610, 35.2010, 35.2210, 35.2610, 36.2010 and 36.2610, Definitions, are amended as follows:**

\* \* \*

*Same Ownership* - Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this subsection, the seller of a property by sales contract shall be considered to not have possessory interest.

\* \* \*

**Section 5. §§ 33.2630(F), 34.2630(F), 35.2630(F) and 36.2030(D), Conditional Uses are amended as follows:**

\* \* \*

- (1) That no sale of merchandise is made from the premise; and
- (2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;
- (3) That A-a home occupation located on high-value farmland may employ only residents of the home;
- (4) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and
- (5) That the home occupation will not unreasonably interfere with other uses permitted in the EFU zoning district.

**Section 6. §§ 33.2660, 33.2855, 33.3155, 33.3355, 34.2660, 34.2855, 34.3155, 34.3355, 35.2660, 35.2855, 35.3155, 35.3355, 36.2660, 36.2855 and 36.3155, Dimensional Requirements, are amended as follows:**

\* \* \*

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The ~~Planning Commission~~ county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official not otherwise established by Ordinance.

\* \* \*

**Section 7. §§ 33.6660, 34.6660, 35.6660 and 36.6660, Criteria for Approval are amended as follows:**

\* \* \*

(K) No structure is proposed to be constructed that would not otherwise be allowed in the zoning district.

**Section 8. §§ 36.3355, 36.3455 and 36.3550, Dimensional Standards and Development Requirements, are amended as follows:**

\* \* \*

(C) 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~~ county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official not otherwise established by ordinance.

\* \* \*

**Section 9. §§ 33.2670, 33.2860, 33.3160, 33.3360, 34.2670, 34.2860, 34.3160, 34.3360, 35.2670, 35.2860, 35.3160, 35.3360, 36.2670, 36.2860, 36.3160, 36.3360, 36.3460 and 36.3560 are amended as follows:**

*[EFU]*

**33.2670 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 33.7790, An adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and
- (2) The following dimensional and access requirements of MCC 33.2660 (A) and (C) are met; or

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 33.2690 are met after the relocation of the common property line; and

- (3) The reconfigured lot areas will each;

(a) Be a minimum of 80 acres, or

(b) ~~retain~~ Retain the same lot area that existed prior to the exchange.

[MUA-20]

**33.2860 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 33.7790~~ ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

~~(C) The approval authority may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in MCC 33.2800.~~

~~(D) The approval authority 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.~~

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

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.2885 are met after the relocation of the common property line; and

\* \* \*

[RR]

**33.3160 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 33.7790~~ ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.3185 are met after the relocation of the common property line; and

\* \* \*

[RC]

**33.3360 Lots of Exception and Property Line Adjustments**

\* \* \*

**(B) Property Line Adjustment**

Pursuant to the applicable provisions in MCC 33.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.3385 are met after the relocation of the common property line; and

\* \* \*

[EFU]

**34.2670 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 34.7790, An adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 34.2660 (A) and (C) are met; or

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 34.2690 are met after the relocation of the common property line; and

- (3) The reconfigured lot areas will each:
- (a) Be a minimum of 80 acres, or
  - (b) ~~retain~~ Retain the same lot area that existed prior to the exchange.

[MUA-20]

**34.2860 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 34.7790 the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.2885 are met after the relocation of the common property line; and

\* \* \*

[RR]

**34.3160 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 34.7790 the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.3185 are met after the relocation of the common property line; and

\* \* \*

[RC]

**34.3360 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 34.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 34.3385 are met after the relocation of the common property line; and

\* \* \*

[EFU]

**35.2670 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 35.7790, An adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) The following dimensional and access requirements of MCC 35.2660(A) and (C) are met; ~~or~~

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 35.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) ~~retain~~ Retain the same lot area that existed prior to the exchange.

[MUA-20]

**35.2860 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 35.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.2885 are met after the relocation of the common property line; and

\* \* \*

[RR]

**35.3160 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 35.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.3185 are met after the relocation of the common property line; and

\* \* \*

[RC]

**35.3360 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 35.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 35.3385 are met after the relocation of the common property line; and

\* \* \*

[EFU]

**36.2670 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 36.7790, ~~A~~an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

(1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and

(2) ~~The following dimensional and access requirements of MCC 36.2660 (A) and (C) are met;~~ or

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements; and

(b) If the properties abut a street, the required access requirements of MCC 36.2690 are met after the relocation of the common property line; and

(3) The reconfigured lot areas will each:

(a) Be a minimum of 80 acres, or

(b) ~~retain~~ Retain the same lot area that existed prior to the exchange.

[MUA-20]

**36.2860 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 36.7790~~ ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.2885 are met after the relocation of the common property line; and

\* \* \*

[RR]

**36.3160 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in ~~MCC 36.7790~~ ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3185 are met after the relocation of the common property line; and

\* \* \*

[PH-RC]

**36.3360 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 36.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3385 are met after the relocation of the common property line; and

\* \* \*

[OR]

**36.3460 Lots of Exception and Property Line Adjustments**

\* \* \*

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 36.7790~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3485 are met after the relocation of the common property line; and

(2) At least one of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 1 acre prior to the adjustment and remains 1 acre or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 2 acres in area prior to the adjustment and remains less than 2 acres in area after the adjustment.

[OCI]

**36.3560 Property Line Adjustments**

(A) Pursuant to the applicable provisions in MCC 36.7790 ~~the Multnomah County Land Division Ordinance~~, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) ~~No additional lot or parcel is created;~~ The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 36.3585 are met after the relocation of the common property line; and

\* \* \*

**Section 10. §§ 33.7970, 34.7970, 35.7970 and 36.7970, Property Line Adjustment, are renumbered and amended as follows:**

~~33.7970~~33.7790 Property Line Adjustment  
~~34.7970~~34.7790 Property Line Adjustment  
~~35.7970~~35.7790 Property Line Adjustment  
~~36.7970~~36.7790 Property Line Adjustment

A property line adjustment is the relocation of a common property line between two abutting properties. ~~(A) The Planning Director may approve a property line adjustment based upon findings that the following standards are met: between two properties, in the Rural Area, where an additional lot or parcel is not created and where the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning designation.~~

~~(B) The Planning Director may approve a property line adjustment between two properties in the Rural Area where an additional lot or parcel is not created but where one or both of the adjusted properties are below the minimum lot size established by the applicable zoning district designation. Such an adjustment shall comply with any applicable zoning district standards for a Property Line Adjustment or Lot Line Adjustment.~~

~~(C) Property line adjustments approved under subsections (A) and (B) above shall meet the following additional standards:~~

~~(1)(A) No additional lot or parcel shall be created from any parcel by the property line adjustment; and~~

~~(2)(B) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and~~

~~(3)(C)~~ The adjusted properties shall meet the approval criteria for a property line adjustment as given all dimensional requirements in the underlying zoning district designation except for lot area; and

~~(4)~~ The right of way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.

(D) The procedure and forms shall be submitted for obtaining approval of a property line adjustment ~~shall be as provided for by the Planning Director.~~

**Section 11. §§ 33.2690, 33.2885, 33.3185, 33.3385, 34.2690, 34.2885, 34.3185, 34.3385, 35.2690, 35.2885, 35.3185, 35.3385, 36.2690, 36.2885, 36.3185, 36.3385, 36.3485, and 36.3585, Access, are amended as follows:**

*[EFU]*  
**33.2690 Access**

~~Any All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer approval authority~~ to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2675(C).

*[MUA-20]*  
**33.2885 Access**

~~Any All lots and parcels~~ in this district shall abut a street or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2870(B).

*[RR]*  
**33.3185 Access**

~~Any All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3170(B).

*[RC]*  
**33.3385 Access**

~~Any All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3370(B).

*[EFU]*  
**34.2690 Access**

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.2675(C).

*[MUA-20]*  
**34.2885 Access**

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.2870(B).

*[RR]*  
**34.3185 Access**

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.3170(B).

*[RC]*  
**34.3385 Access**

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 34.3370(B).

*[EFU]*  
**35.2690 Access**

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2675(C).

*[MUA-20]*  
**35.2885 Access**

~~Any~~ All lots and parcels in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2870(B).

*[RR]*  
**35.3185 Access**

~~Any-All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.3170(B).

*[RC]*  
**35.3385 Access**

~~Any-All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.3370(B).

*[EFU]*  
**36.2690 Access**

~~Any-All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the ~~Hearings Officer~~ approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.2675(C).

*[MUA-20]*  
**36.2885 Access**

~~Any-All lots and parcels~~ in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.2870(B).

*[RR]*  
**36.3185 Access**

~~Any-All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3170(B).

*[PH-RC]*  
**36.3385 Access**

~~Any-All lots and parcels~~ in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3370(B).

*[OR]*  
**36.3485 Access**

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3470(B).

*[OCI]*  
**36.3585 Access**

~~Any~~ All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.3570(B).

**Section 12. §§ 33.2625, 34.2625 and 35.2625, Review Uses, are amended as follows:**

\* \* \*

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

\* \* \*

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

\* \* \*

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land in the same ownership owned by the farm or ranch operator that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

\* \* \*

**Section 13. § 36.2625 is amended as follows:**

**36.2625 Review Uses.**

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) High-value farmland soils, \$80,000 income. On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

\* \* \*

(b) Except as permitted in ORS 215.283 (1) (p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on land designated for exclusive farm use that is owned by the farm or ranch operator, or that is on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land ~~in the same ownership owned by the farm or ranch operator~~ that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

\* \* \*

(4) Not high-value farmland soils, \$40,000 income or mid-point of median income range. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

\* \* \*

(b) Except as permitted in ORS 215.283(1)(p) (1999 Edition) (i.e. seasonal farmworker housing), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS 215 owned by the farm or ranch operator or on the farm or ranch operation. "Farm or ranch operation" shall mean all lots or parcels of land ~~in the same ownership owned by the farm or ranch operator~~ that are used by the farm or ranch operator for farm use as defined in ORS 215.203; and

\* \* \*

(O) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this section is not eligible for replacement under MCC 36.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

(1) The health hardship will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

\* \* \*

**Section 14. §§ 33.2825, 33.3125, 33.3325, 34.2825, 34.3125, 34.3325, 35.2825, 35.3125, 35.3325, 36.2825, 36.3125, 36.3425, 36.3325 and 36.3525, Review Uses, are amended as follows:**

*[MUA-20]*

**33.2825 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 33.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

*[RR]*

**33.3125 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 33.3160:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

*[RC]*

**33.3325 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 33.3360:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

*[MUA-20]*

**34.2825 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 34.2860:

(I) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

*[RR]*

**34.3125 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 34.3160:

(D) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[RC]

**34.3325 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 34.3360:

(D) Wireless communication facilities that employ concealment technology or co-location as described in MCC 34.6177(B) pursuant to the applicable approval criteria of MCC 34.6175 through 34.6188.

[MUA-20]

**35.2825 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 35.2860:

(D) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[RR]

**35.3125 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 35.3160:

(D) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[RC]

**35.3325 Review Uses**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 35.3360:

(D) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

[MUA-20]

**36.2825 Review Uses.**

\* \* \*

(F) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.~~

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 36.2860:

[RR]

**36.3125 Review Uses.**

\* \* \*

(F) Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 36.3160:

[PH-RC]

**36.3325 Review Uses.**

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 36.3360:

(I) Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

[OR]

**36.3425 Review Uses.**

\* \* \*

(F) Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

\* \* \*

(H) Lots of Exception pursuant to the provisions of MCC 36.3460:

[OCI]

**36.3525 Review Uses.**

\* \* \*

(E) Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188. This use shall not be subject to the Review Uses approval criteria in 36.3527 below.

\* \* \*

(H) Property Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 36.3560.

**Section 15. §§ 33.2830, 34.2830, 35.2830 and 36.2830, Conditional Uses, are amended to delete subsection (F) as follows:**

\* \* \*

~~(F) Lots of Exception pursuant to the provisions of MCC ....~~

**Section 16. §§ 33.3130, 34.3130, 35.3130 and 36.3130, Conditional Uses, are amended to delete subsection (E) as follows:**

\* \* \*

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

**Section 17. §§ 33.3330, 34.3330 and 35.3330, Conditional Uses, are amended to delete subsection (G) as follows:**

\* \* \*

~~(G) Lots of Exception pursuant to the provisions of MCC....~~

**Section 18. § 36.3330 is amended as follows:**

**36.3330 Conditional Uses.**

\* \* \*

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:

\* \* \*

~~(9) Lots of Exception pursuant to the provisions of MCC 36.3360.~~

**Section 19. § 36.3430 is amended as follows:**

**36.3430 Conditional Uses.**

\* \* \*

~~(C) Lots of Exception pursuant to the provisions of MCC 36.3460.~~

**Section 20. Subsection (H) of §§ 36.2855, 36.3155, 36.3355, 36.3455 and 36.3550, Dimensional Standards and Development Requirements, is amended as follows:**

\* \* \*

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

\* \* \*

**Section 21. §§ 33.4000, 34.4000 and 35.4000 are amended as follows:**

**33.4000- Classification of Special Districts**

In addition to classification as a base district as provided in MCC 33.2000 through 33.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures 33.0700 through 33.0790. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

**34.4000- Classification of Special Districts**

In addition to classification as a base district as provided in MCC 34.2000 through 34.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures~~34.0700 through 34.0790~~. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

**35.4000- Classification of Special Districts**

In addition to classification as a base district as provided in MCC 35.2000 through 35.3385 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37, Administration and Procedures~~35.0700 through 35.0790~~. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

**Section 22. § 36.4560 is amended as follows:**

**36.4560 Criteria for Approval of SEC-h Permit -Wildlife Habitat.**

Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).

\* \* \*

(B) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

- (1) The applicant cannot meet the development standards of Section (BA) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or
- (2) The applicant can meet the development standards of Section (BA), but demonstrates that the alternative conservation measures exceed the standards of Section (BA) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (BA).

\* \* \*

**Section 23. Subsection (B) of §§ 33.4570, 34.4570 and 35.4570, Criteria for approval of SEC-h Permit – Wildlife Habitat, is amended as follows:**

\* \* \*

(B) Development standards:

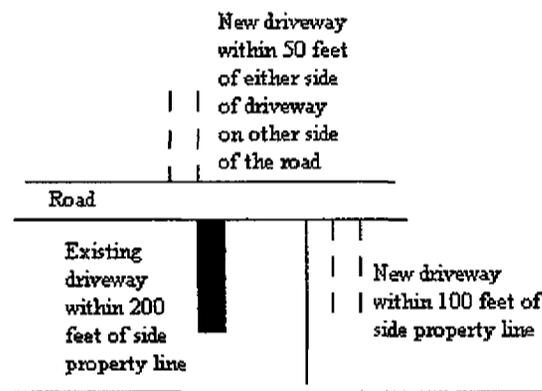
- (1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

- (2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.
- (3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.
- (4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of the ~~a side~~ property boundary line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of the ~~that side~~ property boundary line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.
2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of ~~the property boundary~~ a side property line if adjacent property has structures and developed areas within 200 feet of ~~the~~ that common side property boundary line.

\* \* \*

**Section 24. §§ 33.6130, 34.6130, 35.6130 and 36.6130 are deleted as follows:**

**33.6130 Pre-existing Communication Facilities.**

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 33.7200 or MCC 33.6005 through 33.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 33.6125 (A);~~
- ~~(B) The use shall comply with MCC 33.6115 (D), (G), and (H); and~~
- ~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

**34.6130 Pre-existing Communication Facilities.**

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 34.7200 or MCC 34.6005 through 34.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 34.6125 (A);~~
- ~~(B) The use shall comply with MCC 34.6115 (D), (G), and (H); and~~
- ~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

**35.6130 Pre-existing Communication Facilities.**

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the *Facilities*) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 35.7200 or MCC 35.6005 through 35.6125, provided that:~~

- ~~(A) The use shall comply with the NIER standard of MCC 35.6125 (A);~~
- ~~(B) The use shall comply with MCC 35.6115 (D), (G), and (H); and~~

~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

**~~36.6130 Pre-existing Communication Facilities.~~**

~~Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the Facilities) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 36.7200 or MCC 36.6005 through 36.6125, provided that:~~

~~(A) The use shall comply with the NIER standard of MCC 36.6125 (A);~~

~~(B) The use shall comply with MCC 36.6115 (D), (G), and (H); and~~

~~(C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.~~

**Section 25. §§ 33.6325, 34.6325 and 35.6325 are amended as follows:**

**33.6325 Design Review**

Uses authorized under this section shall be subject to design review approval under MCC 33.7000 through ~~33.7065~~7060.

**34.6325 Design Review**

Uses authorized under this section shall be subject to design review approval under MCC 34.7000 through ~~34.7065~~7060.

**35.6325 Design Review**

Uses authorized under this section shall be subject to design review approval under MCC 35.7000 through ~~35.7065~~7060.

**Section 26. §§ 33.7435, 34.7435, 35.7435 and 36.7435 are deleted as follows:**

**~~33.7435 Non-Conforming Signs~~**

~~Non-conforming signs are not subject to the provisions of MCC 33.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:~~

~~(A) Permanent signs in all zones~~

~~In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:~~

~~(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.~~

~~(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.~~

~~(B) Temporary Signs~~

~~Non-conforming temporary signs shall be removed.~~

#### **34.7435 Non-Conforming Signs**

~~Non-conforming signs are not subject to the provisions of MCC 34.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:~~

~~(A) Permanent signs in all zones~~

~~In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:~~

~~(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.~~

~~(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.~~

~~(B) Temporary Signs~~

~~Non-conforming temporary signs shall be removed.~~

#### **35.7435 Non-Conforming Signs**

~~Non-conforming signs are not subject to the provisions of MCC 35.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:~~

~~(A) Permanent signs in all zones~~

~~In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:~~

~~(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.~~

~~(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.~~

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

**36.7435 Non-Conforming Signs.**

Non-conforming signs are not subject to the provisions of MCC 36.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

(A) Permanent signs in all zones

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

(1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.

(2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

**Section 27. Subsection (B) of §§ 33.7470, 34.7470, 35.7470 and 36.7470, Fascia Signs, is amended as follows:**

\* \* \*

(B) Extensions

No point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corner of buildings.

**Section 28. §§ 33.6600, 34.6600, 35.6600 and 36.6600, Definitions are amended as follows:**

\* \* \*

(B) *Motor Vehicle of Special Interest* – A motor vehicle satisfying the criteria of a “vehicle of special interest” as defined in the Oregon Vehicle Code (ORS Chapter 801, 2006) ~~paragraph (a) of subsection (4) or paragraph (c) of subsection (6) of ORS 481.205~~ or otherwise unique due to limited production, original production, mechanical or styling oddities, high intrinsic value or produced by a company no longer in existence.

\* \* \*

**Section 29. §§ 33.7800, 34.7800, 35.7800 and 36.7800, Criteria for Approval, Category 1 Tentative Plan are amended as follows:**

**33.7800 Criteria for Approval, Category 1 Tentative Plan.**

**34.7800 Criteria for Approval, Category 1 Tentative Plan.**

**35.7800 Criteria for Approval, Category 1 Tentative Plan.**

\* \* \*

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of ~~this Chapter~~ the Multnomah County Land Division Ordinance.

\* \* \*

**36.7800 Criteria for Approval, Category 1 Tentative Plan.**

\* \* \*

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of ~~this Chapter~~ the Multnomah County Land Division Ordinance, and the applicable General Standards and Requirements of MCC 36.7885 through 36.7965.

\* \* \*

**Section 30. § 36.2620, Allowed Uses is amended as follows:**

\* \* \*

(O) Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, wholly within an EFU district may be maintained, enhanced or expanded:

\* \* \*

**Section 31. § 36.4525, Existing Uses is amended as follows:**

Uses that legally existed on January 1, 2003 ~~the effective date of this ordinance~~ that are not included as Exceptions in section 36.4520, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

\* \* \*

**Section 32. §§ 36.3420 and 36.3520, Allowed Uses are amended as follows:**

*[OR]*

**36.3420 Allowed Uses**

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in this ordinance.

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005.

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

[OCI]

**36.3520 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005.

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

**Section 33. § 37.0530, Summary of Decision Making Processes is amended as follows:**

**37.0530 Summary of Decision Making Processes.**

The following decision making processes chart shall control the County's review of the indicated permits:

\* \* \*

**Permit Types**

\* \* \*

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision.

(1) If there is an appeal of the Planning Director's decision, the Hearings Officer shall conduct a public hearing on the application pursuant to MCC 37.0610. After the Hearings Officer issues a signed decision, the Planning Director may appeal the decision to the Board within seven days. If there is no appeal by the Planning Director, the signed Hearings Officer decision and the information required in MCC 37.0660(D)(1) through (7) shall be mailed to those who submitted written comment, those who requested the decision in writing or provided oral testimony at a hearing on the matter, and DLCD at the discretion of the applicant persons entitled to notice of a Type III Permit decision under MCC 37.0660(D). The mailed decision is the county's final

decision on the application and may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed.

\* \* \*

**Section 34. § 37.0560, Code Compliance and Applications is amended as follows:**

**37.0560 Code Compliance and Applications.**

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

\* \* \*

**Section 35. § 37.0590 is amended as follows:**

**§ 37.0590 Complete Application - Required Information.**

Unless stated elsewhere in the Multnomah County Code, a complete application includes all the materials listed in this subsection. The Planning Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within 30 days of when the application is first submitted, the Planning Director may require additional information, beyond that listed in this subsection or elsewhere in the County Code, such as a traffic study or other report prepared by an appropriate expert, where needed to address relevant approval criteria. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. The County will not deem the application complete until all information required by the Planning Director has been submitted. Unless specifically waived by the Planning Director, the following must be submitted:

(A) One copy of a completed county application form that includes the following information:

(1) An accurate legal description, tax account number(s), map and location of all properties that are the subject of the application.

(2) Name, address, telephone number and authorization signature of all record property owners or contract owners or a representative for the government agency that has the power of eminent domain, and the name, address and telephone number of the applicant, if different from the property owner(s) or the government agency.

\* \* \*

**Section 36. § 37.0700, Expiration and Extension of Type II or Type III Decisions in Exception Areas and Lands Within the UGB is amended as follows:**

**37.0700 Expiration and Extension of Type II or Type III Decisions in Exception Areas and Lands Within the UGB.**

\* \* \*

(C) The Planning Director may extend, ~~prior to its expiration~~, any approved decision for a period of six months up to an aggregate period of one year; provided, however, that there has been substantial implementation of the permit and the request is submitted prior to the expiration of the approval period. Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type II decision.

\* \* \*

**Section 37. § 37.0705, Type IV Quasi-Judicial Plan and Zone Change Approval Criteria is amended as follows:**

**37.0705 Type IV Quasi-Judicial Plan and Zone Change Approval Criteria.**

\* \* \*

(B) Quasi-Judicial Zone Change. The burden of proof is upon the person initiating a zone change request. That burden shall be to persuade that:

\* \* \*

(4) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under this subsection. The existence of home occupations shall not be used as justification for a zone change.

**Section 38. § 38.0015 is amended as follows:**

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

\* \* \*

**Property line adjustment:** The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

\* \* \*

~~**Property line adjustment:** The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.~~ **Regularly maintained:** An area of land that has been previously disturbed and where periodic actions have been taken to:

- (a) keep the area clear of vegetation (e.g., shoulders, utility yards),
- (b) limit the height and type of vegetation (e.g., utility rights-of-way), and/or
- (c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

\* \* \*

**Section 39. Amendment of the Comprehensive Plan Map and Zoning Map of the West of Sandy River Rural Area Plan to correct the designations for two properties.**

All applicable maps adopted by Ordinance 1001, in particular the Geographic Information System produced map Exhibit E, are amended to make the following correction to the Comprehensive Plan and Zoning District designations for the following two properties:

1. The Plan and Zoning designation of 8141 SE Orient Drive (Map and Tax Lot # 1S4E20CC-01300, Alternate Tax Acct. # R994201760) is changed from Orient Commercial-Industrial (OCI) to Orient Residential (OR) as shown on Exhibit A.
2. The Plan and Zoning designation of 8231 SE Orient Drive (Map and Tax Lot # 1S4E20CC-01200, Alternate Acct # R994200950) is changed from Orient Residential (OR) to Orient Commercial-Industrial (OCI) as shown on Exhibit A.

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**PART II – FOREST ZONES**

**Code Clarification & Change Decision Maker for Certain New Dwellings in Forest Zones from Hearings Officer (Type III Review) to Planning Director (Type II Review)**

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**Section 40. §§ 33.0005, 35.0005 and 36.0005, Definitions, are amended as follows:**

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

\* \* \*

(A)(8) **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.~~

\* \* \*

(E)(7) **Expansion** – Any change in the external dimensions of the building or structure and any change to the external footprint.

\* \* \*

(M) (1) **Maintenance** – An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope and configuration of a structure beyond its original design are not included.

(2) **Manufactured Homes** – See Mobile home.

(23) **May** – May is permissive.

(34) **Mobile Home** – A structure transportable in one or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code (the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations). Mobile homes include residential trailers and manufactured homes subject to the siting provisions as specified within the district:

(45) **Mortgage Lot** – An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU districts.

(56) **Motel** – Same as Hotel.

(67) **Multi-Plex Dwelling Structure** – A row house or town house apartment structure.

(78) **Museum** – A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects.

\* \* \*

(R) **(9) Restoration** – To reconstruct a dwelling, building or structure after it has been damaged by fire, other casualty or natural disaster.

(10) **Replacement** – The construction of a new dwelling, building or structure to replace or substitute for the lawfully established dwelling, building or structure. The removal of over 75% of the standing walls and roof structure of an existing dwelling, building or structure qualifies the rebuilding as a replacement dwelling, building or structure.

(91) **Road (County)** – Every public way, thoroughfare, road, street or easement within the County used or intended for use by the general public for vehicular travel, but excluding private driveways.

\* \* \*

**Section 41. §§ 33.2220, 33.2020, 33.2420, 35.2020, 35.2220 and 36.2020 are amended as follows:**

[CFU-2]

**33.2220 Allowed Uses**

\* \* \*

(D) ~~Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 33.0005.~~

~~(1) The dimensional standards of MCC 33.2260 are satisfied; and~~

~~(2) The development standards of MCC 33.2305(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

(E) ~~Replacement of an existing lawfully established *habitable dwelling* on the same lot, subject to the following:~~

~~(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and~~

~~(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(3) The replacement dwelling shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.~~

(~~FE~~) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(~~GF~~) An uninhabitable structure accessory to fish and wildlife enhancement;

(~~HG~~) A caretaker residence for a public park or a fish hatchery;

(~~HI~~) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

(~~IJ~~) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(~~KJ~~) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(~~LK~~) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(~~ML~~) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(~~NM~~) A lookout tower for forest fire protection;

(~~ON~~) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(~~PO~~) A temporary forest labor camp;

(~~QP~~) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(~~RQ~~) Exploration for geothermal resources;

(~~SR~~) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation;

(~~FS~~) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 (~~H~~)-(6)-(a) and 33.2245. Home occupations as defined by MCC 33.0005 (~~H~~)-(6)-(a) do not allow the level of activity defined in ORS 215.448;

(~~UI~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~VU~~) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

[CFU-1]

**33.2020 Allowed Uses**

\* \* \*

~~(D) Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following, as defined in MCC 33.0005.~~

~~(1) The dimensional standards of MCC 33.2060 are satisfied; and~~

~~(2) The development standards of MCC 33.2105 (A) (5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

~~(E) Replacement of an existing lawfully established *habitable dwelling* on the same lot, subject to the following:~~

~~(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and~~

~~(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(3) The replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.~~

~~(FE) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;~~

~~(GF) An uninhabitable structure accessory to fish and wildlife enhancement;~~

~~(HG) A caretaker residence for a public park or a fish hatchery;~~

~~(HH) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;~~

~~(JI) Climbing and passing lanes within the right of way existing as of July 1, 1987;~~

~~(KJ) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;~~

~~(LK) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;~~

~~(ML) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;~~

~~(NM) A lookout tower for forest fire protection;~~

~~(ON) A water intake facility, canal and distribution lines for farm irrigation and ponds;~~

(PO) A temporary forest labor camp;

(QP) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(RQ) Exploration for geothermal resources;

(SR) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation;

(TS) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 ~~(H)(6)(a)~~ and 33.2045. Home occupations as defined by MCC 33.0005 ~~(H)(6)(a)~~ do not allow the level of activity defined in ORS 215.448;

(UT) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(VU) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

[CFU-5]

**33.2420 Allowed Uses**

\* \* \*

~~(D) Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 33.0005.~~

~~(1) The dimensional standards of MCC 33.2460 are satisfied; and~~

~~(2) The development standards of MCC 33.2505(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

~~(E) Replacement of an existing lawfully established *habitable dwelling* on the same lot, subject to the following:~~

~~(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and~~

~~(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(3) The replacement dwelling shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.~~

(FE) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(GF) An uninhabitable structure accessory to fish and wildlife enhancement;

(HG) A caretaker residence for a public park or a fish hatchery;

~~(H)~~ Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

~~(J)~~ Climbing and passing lanes within the right of way existing as of July 1, 1987;

~~(K)~~ Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

~~(L)~~ Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

~~(M)~~ Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

~~(N)~~ A lookout tower for forest fire protection;

~~(O)~~ A water intake facility, canal and distribution lines for farm irrigation and ponds;

~~(P)~~ A temporary forest labor camp;

~~(Q)~~ Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

~~(R)~~ Exploration for geothermal resources;

~~(S)~~ A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation;

~~(T)~~ Type A home occupations pursuant to the definition and restrictions of MCC 33.0005 ~~(H)(6)(a)~~ and 33.2445. Home occupations as defined by MCC 33.0005 ~~(H)(6)(a)~~ do not allow the level of activity defined in ORS 215.448;

~~(U)~~ Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

~~(V)~~ Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

[CFU-3]

**35.2020 Allowed Uses**

\* \* \*

~~(D) Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 35.0005.~~

~~(1) The dimensional standards of MCC 35.2060 are satisfied; and~~

~~(2) The development standards of MCC 35.2105(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

~~(E) Replacement of an existing lawfully established *habitable dwelling* on the same lot, subject to the following:~~

~~(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and~~

~~(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(3) The replacement dwelling shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.~~

~~(FE) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;~~

~~(GF) An uninhabitable structure accessory to fish and wildlife enhancement;~~

~~(HG) A caretaker residence for a public park or a fish hatchery;~~

~~(IH) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;~~

~~(JI) Climbing and passing lanes within the right of way existing as of July 1, 1987;~~

~~(KJ) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;~~

~~(LK) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;~~

~~(ML) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;~~

~~(NM) A lookout tower for forest fire protection;~~

~~(ON) A water intake facility, canal and distribution lines for farm irrigation and ponds;~~

~~(PO) A temporary forest labor camp;~~

~~(QP) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;~~

~~(RQ) Exploration for geothermal resources;~~

~~(R) ORS 459.049, together with equipment, facilities or buildings necessary for its operation.~~

(FS) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005 ~~(H)(6)(a)~~ and 35.2045. Home occupations as defined by MCC 35.0005 ~~(H)(6)(a)~~ do not allow the level of activity defined in ORS 215.448.

(UT) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(VU) Actions taken in response to an emergency/disaster event as defined in MCC 35.0005 pursuant to the provisions of MCC 35.0535.

[CFU-4]

**35.2220 Allowed Uses**

\* \* \*

~~(D) Alteration, and maintenance, or expansion of an existing lawfully established *habitable dwelling* subject to the following: as defined in MCC 35.0005.~~

~~(1) The dimensional standards of MCC 35.2260 are satisfied; and~~

~~(2) The development standards of MCC 35.2305(A)(5) and (B) are satisfied if the expansion exceeds 400 square feet of ground coverage.~~

~~(E) Replacement of an existing lawfully established *habitable dwelling* on the same lot, subject to the following:~~

~~(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and~~

~~(2) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(3) The replacement dwelling shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.~~

(FE) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(GF) An uninhabitable structure accessory to fish and wildlife enhancement;

(HG) A caretaker residence for a public park or a fish hatchery;

(HH) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

(JI) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(KJ) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(~~LK~~) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(~~ML~~) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(~~NM~~) A lookout tower for forest fire protection;

(~~ON~~) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(~~PO~~) A temporary forest labor camp;

(~~QP~~) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(~~RO~~) Exploration for geothermal resources;

(~~SR~~) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

(~~TS~~) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) and 35.2045. Home occupations as defined by MCC 35.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448.

(~~UT~~) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(~~VU~~) Actions taken in response to an emergency/disaster event as defined in MCC 35.0005 pursuant to the provisions of MCC 35.0535.

[CFU]

**36.2020 Allowed Uses.**

\* \* \*

(D) Alteration, and maintenance, ~~or expansion~~ of an existing lawfully established *habitable dwelling* ~~subject to the following: as defined in MCC 36.0005.~~

(1) ~~The dimensional requirements of MCC 36.2060 are satisfied; and~~

(2) ~~The development standards of MCC 36.2105(A)(5)(e) and (B) are satisfied to the extent possible within the area of an approved yard if the expansion exceeds 400 square feet of ground coverage.~~

\* \* \*

(S) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005 (~~H~~)(~~6~~)(~~a~~) and 36.2045. Home occupations as defined by MCC 36.0005 (~~H~~)(~~6~~)(~~a~~) do not allow the level of activity defined in ORS 215.448.

(T) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(U) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

(V) Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single family dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.) Ord 977 2/7/02.

**Section 42.** §§ 33.2025, 33.2225, 33.2425, 35.2025, 35.2225 and 36.2025 are amended as follows:

[CFU-1]

**33.2025 Review Uses**

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

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.~~

(B) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2035.

~~Restoration or replacement of a lawfully established habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:~~

~~(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and~~

~~(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 33.2060 and the development standards of MCC 33.2105.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2045 and 33.2056.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2045.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2020 (D) or ~~(E)~~, 33.2025 (A) or (B), or ~~33.2030 (A)~~ provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2045, 33.2056 and 33.2061.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2070.

\* \* \*

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.~~

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2065, 33.2073 and 33.7700 et seq.

[CFU-2]

#### 33.2225 Review Uses

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

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established *habitable dwelling* on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.~~

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2235;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2240(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2240(B).

~~Restoration or replacement of a lawfully established *habitable dwelling* on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:~~

~~(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and~~

~~(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 33.2260 and the development standards of MCC 33.2305.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2245 and 33.2256.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2245.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2220 (D) or ~~(E)~~, 33.2225 (A) or (B), or 33.2230 ~~(A), (B) or (C)~~ provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2245, 33.2256 and 33.2261.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2270.

\* \* \*

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B)~~ pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2265, 33.2273 and 33.7700 et seq.

[CFU-5]

**33.2425 Review Uses**

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

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.~~

(B) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2440.

~~Restoration or replacement of a lawfully established habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:~~

~~(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and~~

~~(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 33.2460 and the development standards of MCC 33.2505.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 33.0515, and 33.2445 and 33.2456.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 33.2445.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2420 (D) or (E), 33.2425 (A) or (B), or 33.2430 (A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to all applicable approval criteria, including but not limited to MCC 33.2445, 33.2456 and 33.2461.

(F) Signs, pursuant to the provisions of MCC 33.7400 through 33.7505.

(G) Off-street parking and loading as required by MCC 33.4100 through 33.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2470.

\* \* \*

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.~~

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 33.2465, 33.2473 and 33.7700 et seq.

[CFU-3]

**35.2025 Review Uses**

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

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.~~

~~(B) Restoration or replacement of a lawfully established habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:~~

~~(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and~~

~~(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 35.2060 and the development standards of MCC 35.2105.~~

~~(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 35.0515, and 35.2045 and 35.2056.~~

~~(DC)~~ An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 35.2045.

~~(ED)~~ A mobile home during the construction or reconstruction of a residence allowed under MCC 35.2020 (D) or ~~(E)~~, 35.2025 (A) or (B), ~~or 35.2030 (A)~~ provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2045, 35.2056 and 35.2061.

~~(FE)~~ Signs, pursuant to the provisions of MCC 35.7400 through 35.7505.

~~(GE)~~ Off-street parking and loading as required by MCC 35.4100 through 35.4220.

~~(HG)~~ Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2070.

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

~~(J)~~ Wireless communications facilities when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188..

[CFU-4]

#### 35.2225 Review Uses

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

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.~~

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2235;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2240(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2240(B).

~~Restoration or replacement of a lawfully established *habitable dwelling* on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:~~

~~(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and~~

~~(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC 35.2260 and the development standards of MCC 35.2305.~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 35.0515, and 35.2245 and 35.2256.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to 35.2245.

(E) A mobile home for a period not to exceed two years when in conjunction with the construction or reconstruction of a residence allowed under MCC 35.2220 (D) or ~~(E)~~, 35.2225 (A) or (B), ~~or 35.2230 (A), (B) or (C)~~ provided that the mobile home is removed, demolished or converted to an allowable nonresidential use which satisfies all applicable dimensional and locational standards within three months of the completion of the dwelling pursuant to all applicable approval criteria, including but not limited to MCC 35.2245, 35.2256 and 35.2261.

(F) Signs, pursuant to the provisions of MCC 35.7400 through 35.7505.

(G) Off-street parking and loading as required by MCC 35.4100 through 35.4220.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2270.

\* \* \*

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B)~~ pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 35.2265, 35.2273 and 35.7700 et seq.

[CFU]

**36.2025 Review Uses.**

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

(A) Expansion, replacement or restoration of an existing lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

~~Replacement of an existing lawfully established habitable dwelling on the same lot, subject to the following:~~

~~(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;~~

~~(2) The location of the replacement dwelling shall satisfy the dimensional requirements of MCC 36.2060 and the development standards of MCC 36.2105.~~

(B) The following dwellings:

(1) A Large Acreage Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2035;

(2) A Template Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2040(A);

(3) A Heritage Tract Dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2040(B).

~~Restoration or replacement of a lawfully established habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:~~

~~(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and~~

~~(2) A replacement dwelling located more than 200 feet from the prior dwelling, location shall satisfy the dimensional requirements of MCC 36.2060 and the development standards of MCC 36.2105.~~

~~(3) A replacement dwelling located within 200 feet of the original dwelling location shall satisfy the dimensional requirements of MCC 36.2060, and the fire protection standards in MCC 36.2105(A)(5)(e) and (B).~~

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to all applicable approval criteria, including but not limited to MCC 36.0515, and 36.2045 and 36.2056.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 36.2045.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 36.2020 (D), or 36.2025 (A) or (B), or ~~36.2030 (A) or (B) or (C)~~ provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to all applicable approval criteria, including but not limited to MCC 36.2045, 36.2056 and 36.2061.

(F) Signs, pursuant to the provisions of MCC 36.7400 through 36.7505.

(G) Off-street parking and loading as required by MCC 36.4100 through 36.4215.

(H) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 36.2070.

\* \* \*

(J) Wireless communications facilities ~~when found to satisfy the requirements that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria~~ of MCC 36.6175 through 36.6188.

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 36.2065, 36.2073 and 36.7700 et seq.

**Section 43. §§ 33.2030, 33.2230, 33.2430, 35.2030, 35.2230 and 36.2030 are amended as follows:**

[CFU-1]

**33.2030 Conditional Uses**

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

~~(A) A Large Acreage Dwelling pursuant to the provisions of MCC 33.2035 and 33.2105.~~

~~(B)~~ (BA) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2045, 33.2050, 33.2056, 33.2105, 33.2061, 33.6000 through 33.6010, and 33.6100 through 33.6230:

\* \* \*

~~(C)~~ (CB) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2045, 33.2050, 33.2056, 33.2105, 33.2061, 33.6300 through 33.6315, 33.6325 through 33.6340, 33.6500 through 33.6535.

\* \* \*

~~(D)~~ (DC) Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 and provided:

(1) That no sale of merchandise is made from the premise; and

(2) That noise, odor, smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-1 zoning district.

~~(E) Lots of Exception pursuant to the provisions of MCC 33.2065.~~

*[CFU-2]*

**33.2230 Conditional Uses**

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

~~(A) A Large Acreage Dwelling pursuant to the provisions of MCC 33.2235 and 33.2305.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 33.2240 (A), and 33.2305.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 33.2240 (B), and 33.2305.~~

~~(D)~~ (DA) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2245, 33.2250, 33.2256, 33.2305, 33.2261, 33.6000 through 33.6010, and 33.6100 through 33.6230.

\* \* \*

~~(E)~~ (EB) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2245, 33.2250, 33.2256, 33.2305, 33.2261, 33.6300 through 6315, 33.6325 through 33.6340, 33.6500 through 33.6535.

\* \* \*

~~(F)~~ (FC) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 and provided:

(1) That no sale of merchandise is made from the premise; and

(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-2 zoning district.

\* \* \*

~~(G) Lots of Exception pursuant to the provisions of MCC 33.2265.~~

*[CFU-5]*

**33.2430 Conditional Uses**

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

~~(A) A Template Dwelling pursuant to the provisions of MCC 33.2440, and 33.2505.~~

~~(B) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2445, 33.2450, 33.2456, 33.250533.2461, 33.6000 through 33.6010, and 33.6100 through 33.6230:~~

~~\*\*\*~~

~~(C) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 33.2445; 33.2450, 33.2456, 33.250533.2461; 33.6300 through 33.6315, 33.6325, 33.6330, and 33.6500 through 33.6535:~~

~~\*\*\*~~

~~(D) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6650 through 33.6660 and provided:~~

- ~~(1) That no sale of merchandise is made from the premise; and~~
- ~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~
- ~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~
- ~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-5 zoning district.~~

~~(E) Lots of Exception pursuant to the provisions of MCC 33.2465.~~

[CFU-3]

### 35.2030 Conditional Uses

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

~~(A) The following Community Service Uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 35.2045, 35.2050, 35.2056, 35.210535.2061, 35.6000 through 35.6010, and 35.6100 through 35.6230:~~

~~\*\*\*~~

~~(B) The following uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 35.2045, 35.2050, 35.2056, 35.210535.2061, 35.6300 through 35.6315, 35.6325 through 35.6340, and 35.6500 through 35.6535:~~

~~\*\*\*~~

~~(C) Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 35.6650 through 35.6660 and provided:~~

- ~~(1) That no sale of merchandise is made from the premise; and~~
- ~~(2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-3 zoning district.

[CFU-4]

**35.2230 Conditional Uses**

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

~~(A) A Large Acreage Dwelling pursuant to the provisions of MCC 35.2235, 35.2245 (B) and 35.2305.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 35.2240 (A), 35.2245 (B) and 35.2305.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 35.2240 (B), 35.2245 (B) and 35.2305.~~

~~(DA) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2245, 35.2250, 35.2256, 35.2305, 35.2261, 35.6000 through 35.6010, and 35.6100 through 35.6230.~~

\* \* \*

~~(EB) The following uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 35.2245, 35.2250, 35.2256, 35.2305, 35.2261, 35.6300 through 35.6315, 35.6325 through 35.6340, and 35.6500 through 35.6535.~~

\* \* \*

~~(FC) Type B home occupation pursuant to all applicable approval criteria, including but not limited to MCC 35.6650 through 35.6660 and provided:~~

~~(1) That no sale of merchandise is made from the premise; and~~

~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU-4 zoning district.~~

\* \* \*

~~(G) Lots of Exception pursuant to the provisions of MCC 35.2265.~~

[CFU]

**36.2030 Conditional Uses.**

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

~~(A) A Large Acreage Dwelling pursuant to the provisions of MCC 36.2035 and 36.2105.~~

~~(B) A Template Dwelling pursuant to the provisions of MCC 36.2040 (A) and 36.2105.~~

~~(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 36.2040 (B) and 36.2105.~~

~~(DA)~~ The following Community Service Uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 36.2045, 36.2050, 36.2056, 36.2105, 36.2061, and 36.6000 through 36.6020. The applicable criteria of 36.6010 shall be limited to (A) through (H) for uses in this section.

\* \* \*

~~(EB)~~ The following uses pursuant to the all applicable approval criteria, including but not limited to the provisions of MCC 36.2045, 36.2050, 36.2056, 36.2105, 36.2061, 36.6300 through 36.6335, and 36.6500 through 36.6535. The applicable criteria of 36.6315 shall be limited to (1) through (7) for the uses in this section:

\* \* \*

~~(FC)~~ Type B home occupations pursuant to all applicable approval criteria, including but not limited to MCC 36.6650 through 36.6660 and provided:

(1) That no sale of merchandise is made from the premise; ~~and~~

(2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;

(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and

(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU zoning district.

**Section 44. §§ 33.2235, 33.2035, 35.2235 and 36.2035 are amended as follows:**

[CFU-2]

**33.2235 Large Acreage Dwellings**

A large acreage dwelling may be sited on a tract, subject to the following:

\* \* \*

(I) The dwelling meets the applicable development standards of MCC 33.2256 and 33.2261.

[CFU-1]

**33.2035 Large Acreage Dwellings**

A large acreage dwelling may be sited on a tract or tracts, subject to the following:

\* \* \*

- (1) The dwelling meets the applicable development standards of MCC 33.2056 and 33.2061.

[CFU-4]

**35.2235 Large Acreage Dwellings**

A large acreage dwelling may be sited on a tract, subject to the following:

\* \* \*

- (1) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261.

[CFU]

**36.2035 Large Acreage Dwellings**

A large acreage dwelling may be sited on a tract, subject to the following:

\* \* \*

- (1) The dwelling meets the applicable development standards of MCC 36.2056 and 36.2061.

**Section 45. §§ 33.2240, 33.2440, 35.2240 and 36.2040 are amended as follows:**

[CFU-2]

**33.2240 Template and Heritage Tract Dwellings**

(A) A template dwelling may be sited on a tract, subject to the following:

- (1) The lot or lots in the tract shall meet the lot of record standards of MCC 33.2275;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 33.2256 and 33.2261~~33.2305~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 33.2310, as applicable;

\* \* \*

- (7) The dwelling meets the applicable development standards of MCC 33.2256 and 33.2261~~33.2305~~;

\* \* \*

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

\* \* \*

- (5) The dwelling meets the applicable standards of MCC MCC 33.2256 and 33.2261~~33.2305~~.

[CFU-5]

**33.2440 Template Dwellings**

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 33.2475;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC 33.2456 and 33.2461~~33.2505~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 33.2510, as applicable;

\* \* \*

(7) The dwelling meets the applicable development standards of MCC 33.2456 and 33.2461~~33.2505~~;

\* \* \*

[CFU-4]

**35.2240 Template and Heritage Tract Dwellings**

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 35.2275;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 35.2256 and 35.2261~~35.2305~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 35.2310, as applicable;

\* \* \*

(7) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261~~35.2305~~;

\* \* \*

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

\* \* \*

(5) The dwelling meets the applicable development standards of MCC 35.2256 and 35.2261~~33.2305~~.

[CFU]

**36.2040 Template and Heritage Tract Dwellings.**

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 36.2075;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 36.2036 and 36.2061~~36.2105~~ with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet

to all other property lines. Exceptions to this standard shall be pursuant to MCC 36.2110, as applicable;

\* \* \*

(7) The dwelling meets the applicable development standards of MCC 36.2056 and 36.2061~~36.2105~~;

\* \* \*

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

\* \* \*

(5) The dwelling meets the applicable development standards of MCC 36.2056 and 36.2061~~36.2105~~.

**Section 46. §§ 33.2250, 33.2050, 33.2450, 35.2050, 35.2250 and 36.2050, Building Height Requirements, are added as follows:**

**33.2250 Building Height Requirements**  
**33.2050 Building Height Requirements**  
**33.2450 Building Height Requirements**  
**35.2050 Building Height Requirements**  
**35.2250 Building Height Requirements**  
**36.2050 Building Height Requirements**

(A) Maximum structure height – 35 feet.

(B) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

**Section 47. §§ 33.2256, 33.2056, 33.2456, 35.2056, 35.2256 and 36.2056 are added as follows:**

[CFU-2]

**§ 33.2256 Forest Practices Setbacks & Fire Safety Zones**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

**Table 1**

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Description of use and location</u>	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>
<u>Replaced or restored dwelling in same location &amp;/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location &amp; greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Heritage Tract Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary &amp; Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 33.2310.

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-1]

**§ 33.2056 Forest Practices Setbacks & Fire Safety Zones**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

**Table 1**

<u>Description of use and location</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &amp;/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location &amp; greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Heath Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary &amp; Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 33.2110.

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-5]

**§ 33.2456 Forest Practices Setbacks & Fire Safety Zones**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

**Table 1**

Use	Forest Practice Setbacks			Fire Safety Zones
	Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Property owner is encouraged to establish Primary to the extent possible
Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Primary is required to the extent possible within the existing setbacks
At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling	May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.	30	30	Primary required; Maintenance of vegetation in the Secondary is required to the extent possible
Replaced or restored dwelling over 100 ft. from existing dwelling	Meet current setback standards	30	130	Primary & Secondary required
At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling	N/A	30	30	Primary required

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary &amp; Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 33.2510 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 33.2510.

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-3]

**§ 35.2056 Forest Practices Setbacks & Fire Safety Zones**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

**Table 1**

<u>Description of use and location</u>	<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>
<u>Replaced or restored dwelling in same location &amp;/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>
<u>Replaced or restored dwelling in same location &amp; greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Property Line Adjustment; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary &amp; Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 35.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

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

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 35.2110.

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU-4]

§ 35.2256 Forest Practices Setbacks & Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

**Table 1**

<u>Description of use and location</u>	<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>	
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Replaced or restored dwelling in same location &amp;/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Property owner is encouraged to establish Primary to the extent possible</u>
<u>Replaced or restored dwelling in same location &amp; greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>	<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Heritage Tract Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary &amp; Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 35.2310 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction

Manual” and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 35.2310.

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

[CFU]

**§ 36.2056 Forest Practices Setbacks & Fire Safety Zones**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

**Table 1**

<u>Description of use and location</u>	<u>Forest Practice Setbacks</u>		<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>
<u>Replaced or restored dwelling in same location &amp;/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>
<u>Property owner is encouraged to establish Primary to the extent possible</u>			
<u>Replaced or restored dwelling in same location &amp; greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>
<u>Primary is required to the extent possible within the existing setbacks</u>			
<u>At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling</u>	<u>May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.</u>	<u>30</u>	<u>30</u>
<u>Primary required; Maintenance of vegetation in the Secondary is required to the extent possible</u>			
<u>Replaced or restored dwelling over 100 ft. from existing dwelling</u>	<u>Meet current setback standards</u>	<u>30</u>	<u>130</u>
<u>Primary &amp; Secondary required</u>			
<u>At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>
<u>Primary required</u>			

<u>Use</u>	<u>Forest Practice Setbacks</u>			<u>Fire Safety Zones</u>
	<u>Nonconforming Setbacks</u>	<u>Front Property Line Adjacent to County Maintained Road (feet)</u>	<u>All Other Setbacks (feet)</u>	<u>Fire Safety Zone Requirements (FSZ)</u>
<u>Temporary Health Hardship farther than 100 ft. from existing dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary and Secondary required</u>
<u>Template Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Heritage Tract Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Large Acreage Dwelling</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Accessory structures within 100 ft. of dwelling</u>	<u>N/A</u>	<u>30</u>	<u>30</u>	<u>Primary required</u>
<u>Other Accessory structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Other Structures</u>	<u>N/A</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Property Line Adjustment; Lot of Exception; Land Divisions.</u>	<u>May maintain current nonconforming setback to existing structures</u>	<u>30</u>	<u>30</u>	<u>On tracts with required Primary &amp; Secondary FSZ as part of a land use decision, both shall be maintained.</u>

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 36.2110 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

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

(D) Fire Safety Zones on the Subject Tract

(1) Primary Fire Safety Zone

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not additional required</u>
<u>Less than 20</u>	<u>50 additional</u>
<u>Less than 25</u>	<u>75 additional</u>
<u>Less than 40</u>	<u>100 additional</u>

(c) The building site must have a slope less than 40 percent.

(2) Secondary Fire Safety Zone

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of 36.2110.

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

**Section 48. §§33.2260, 33.2060, 33.2460, 35.2060, 35.2260 and 36.2060 are deleted as follows:**

**33.2260 Dimensional Requirements**

(A) Except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280, the minimum lot size for new parcels or lots shall be 80 acres.

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

(C) Minimum Forest Practices Setback Dimensions from tract boundary—Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height—35 feet

Minimum Front Lot Line Length—50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 33.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2305 (A) (5) (c) 2.

(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2220 (D) and (E) and 33.2225 (B) need not satisfy the development standards of MCC 33.2305 if originally legally established to a lesser standard than that required by MCC 33.2305, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2220 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 33.2305 (A) (5) (c) 2.

**33.2060 Dimensional Requirements**

(A) Except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080, the minimum lot size for new parcels or lots shall be 80 acres.

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

~~(C) Minimum Forest Practices Setback Dimensions From Tract Boundary—Feet:~~

<del>Road Frontage</del>	<del>Other Front</del>	<del>Side</del>	<del>Rear</del>
<del>60 from centerline of road from which access is gained</del>	<del>130</del>	<del>130</del>	<del>130</del>

~~Maximum Structure Height—35 feet~~

~~Minimum Front Lot Line Length—50 feet.~~

~~Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 33.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2105 (A) (5) (e) 2.~~

~~(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right of way width to serve the area. The Planning Commission shall determine the necessary right of way widths and additional yard requirements not otherwise established by ordinance.~~

~~(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.~~

~~(F) Yards for the alteration, replacement or restoration of dwellings under 33.2020 (D) and (E) and 33.2025 (B) need not satisfy the development standards of MCC 33.2105 if originally legally established to a lesser standard than that required by MCC 33.2105, but in no case shall they be less than those originally established.~~

~~(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2020 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 33.2105 (A) (5) (e) 2.~~

### **33.2460 Dimensional Requirements**

~~(A) Except as provided in MCC 33.2465, 33.2470, 33.2475, and 33.2480, the minimum lot size for new parcels or lots shall be 80 acres.~~

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

~~(C) Minimum Forest Practices Setback Dimensions from tract boundary—Feet:~~

<del>Road Frontage</del>	<del>Other Front</del>	<del>Side</del>	<del>Rear</del>
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60 from centerline of road from which access is gained	130	130	130
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~~Maximum Structure Height – 35 feet~~

~~Minimum Front Lot Line Length – 50 feet.~~

~~Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 33.2510, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2505 (A) (5) (c) (2).~~

~~(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.~~

~~(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.~~

~~(F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2420 (D) and (E) and 33.2425 (B) need not satisfy the development standards of MCC 33.2505 if originally legally established to a lesser standard than that required by MCC 33.2505, but in no case shall they be less than those originally established.~~

~~(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2420 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 33.2505 (A) (5) (c) (2).~~

**35.2060 Dimensional Requirements**

~~(A) Except as provided in MCC 35.2070, 35.2075, and 35.2080, the minimum lot size for new parcels or lots shall be 80 acres.~~

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

~~(C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:~~

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

~~Maximum Structure Height – 35 feet~~

~~Minimum Front Lot Line Length – 50 feet.~~

~~Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 35.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2105 (A) (5) (e) 2.~~

~~(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right of way width to serve the area. The Planning Commission shall determine the necessary right of way widths and additional yard requirements not otherwise established by ordinance.~~

~~(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.~~

~~(F) Yards for the alteration, replacement or restoration of dwellings under 35.2020 (D) and (E) and 35.2025 (B) need not satisfy the development standards of MCC 35.2105 if originally legally established to a lesser standard than that required by MCC 35.2105, but in no case shall they be less than those originally established.~~

~~(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 35.2020 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 35.2105 (A) (5) (e) 2.~~

**35.2260 Dimensional Requirements**

~~(A) Except as provided in MCC 35.2265, 35.2270, 35.2275, and 35.2280, the minimum lot size for new parcels or lots shall be 80 acres.~~

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

~~(C) Minimum Forest Practices Setback Dimensions From Tract Boundary Feet:~~

<del>Road Frontage</del>	<del>Other Front</del>	<del>Side</del>	<del>Rear</del>
<del>60 from centerline of road from which access is gained</del>	<del>130</del>	<del>130</del>	<del>130</del>

~~Maximum Structure Height – 35 feet~~

~~Minimum Front Lot Line Length – 50 feet.~~

~~Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 35.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 35.2305 (A) (5) (e) 2.~~

~~(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right of way width to serve the area. The Planning Commission shall~~

determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under MCC 35.2220 (D) and (E); and 35.2225 (B) need not satisfy the development standards of MCC 35.2305 if originally legally established to a lesser standard than that required by MCC 35.2305, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 35.2220 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 35.2305 (A) (5) (c) 2.

**36.2060 Dimensional Requirements.**

(A) Except as provided in MCC 36.2065, 36.2070, 36.2075, and 36.2080, the minimum lot size shall be 80 acres.

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

(C) Minimum Forest Practices Setback Dimensions From Tract Boundary – Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 36.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 36.2105 (A) (5) (c) 2.

(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under 36.2020 (D) and (E) and 36.2025 (B) need not satisfy the development standards of MCC 36.2105 if originally legally

~~established to a lesser standard than that required by MCC 36.2105, but in no case shall they be less than those originally established.~~

~~(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 36.2020 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 36.2105 (A) (5) (c) 2.~~

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

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

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

~~(I) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.~~

**Section 49. § 36.2095 is added as follows:**

*[CFU]*

**36.2095 Sewage, Storm Water, Water Systems and Grading Requirements**

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

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

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

(B) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

**Section 50. §§ 33.2305, 33.2105, 33.2505, 35.2105, 35.2305 and 36.2105 are renumbered and amended to read as follows:**

*[CFU-2]*

**33.2305-2261 Development Standards for Dwellings and Structures**

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

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

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2261;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2261;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2261(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2261(C) and the applicable driveway/road requirements of 33.2261(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2261(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2261(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2261;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2261(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2261;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2261(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2256;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2261(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;
- (3) Have a fire retardant roof; and
- (4) Have a spark arrester on each chimney.

(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:

- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
- (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
- (3) Provide minimum curve radii of 48 feet or greater;
- (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-1]

**33.2105-2061 Development Standards for Dwellings and Structures**

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

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

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling; Shall meet the development standards of MCC 33.2061(C) and the applicable driveway/road requirements of 33.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

(3) Provide minimum curve radii of 48 feet or greater;

(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-5]

**33.2505-2461 Development Standards for Dwellings and Structures**

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

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

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling; Not subject to development standards of MCC 33.2461;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling; Shall meet the development standards of MCC 33.2461(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage; Not subject to development standards of MCC 33.2461;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage; Shall meet the development standards of MCC 33.2461(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling; Shall meet the development standards of MCC 33.2461(C) and the applicable driveway/road requirements of 33.2461(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling; Shall meet the development standards of MCC 33.2461(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling; Shall meet the development standards of MCC 33.2461(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling; Not subject to development standards of MCC 33.2461;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2461(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2461;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2461(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2456;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2461(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

(3) Provide minimum curve radii of 48 feet or greater;

(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-3]

**35.2105-2061 Development Standards for Dwellings and Structures**

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

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

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 35.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 35.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 35.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 35.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 35.2061(C) and the applicable driveway/road requirements of 35.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 35.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 35.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 35.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 35.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3);

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 35.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

(3) Provide minimum curve radii of 48 feet or greater;

(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU-4]

**35.2305-2261 Development Standards for Dwellings and Structures**

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

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

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 35.2261;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 35.2261(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 35.2261;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 35.2261(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 35.2261(C) and the applicable driveway/road requirements of 35.2261(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 35.2261(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2261(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 35.2261;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 35.2261(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 35.2261;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 35.2261(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 35.2256;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 35.2261(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

(3) Provide minimum curve radii of 48 feet or greater;

(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

[CFU]

**36.2105-2061 Development Standards for Dwellings and Structures**

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

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

(1) Expansion of existing dwelling.

(a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 36.2061;

(b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 36.2061(C);

(2) Replacement or restoration of a dwelling.

(a) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 36.2061;

(b) Replacement or restoration of a dwelling that is within the same footprint of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 36.2061(C);

(c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 36.2061(C) and the applicable driveway/road requirements of 36.2061(E);

(3) Accessory buildings.

(a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 36.2061(C);

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 36.2061(B)&(C);

(4) Temporary dwellings.

(a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 36.2061;

(b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 36.2061(B)&(C);

(c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 36.2061;

(d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 36.2061(B)&(C);

(B) New dwellings, replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a dwelling shall meet the following standards in (1) and (3) or (2) and (3):

(1) The structure shall satisfy the following Option 1, Non-discretionary Type 1 Permit requirements:

(a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;

(b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;

(c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;

(d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;

(e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following Option 2, Discretionary Type 2 Permit requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 36.2056;

(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the

driveway standards of MCC 36.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class I stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(b) A water use permit issued by the Water Resources Department for the use described in the application; or

(c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(E) A private road (including approved easements) accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

(3) Provide minimum curve radii of 48 feet or greater;

(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.

**Section 51. §§ 33.2263, 33.2063, 33.2463, 35.2063, 35.2263 and 36.2063 are added as follows:**

*[CFU-2]*

**§ 33.2263 Lot Size Requirements**

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280.

(B) 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.

(C) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

*[CFU-1]*

**§ 33.2063 Lot Size Requirements**

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2065, 33.2070, 33.2075, and 33.2080.

(B) 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.

(C) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-5]

**§ 33.2463 Lot Size Requirements**

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 33.2465, 33.2470, 33.2475, and 33.2480.

(B) 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.

(C) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 33.7895(D).

[CFU-3]

**§ 35.2063 Lot Size Requirements**

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 35.2070, 35.2075, and 35.2080.

(B) 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.

(C) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 35.7895(D).

[CFU-4]

**§ 35.2263 Lot Size Requirements**

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 35.2265, 35.2270, 35.2275, and 35.2280.

(B) 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.

(C) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 35.7895(D).

[CFU]

**§ 36.2063 Lot Size Requirements**

(A) The minimum lot size for new parcels or lots shall be 80 acres, except as provided in MCC 36.2065, 36.2070, 36.2075, and 36.2080.

(B) 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.

(C) The minimum Front Lot Line Length is 50 feet, except for flag lots as provided in MCC 36.7895(D).

**Section 52. §§ 33.2265, 33.2065, 33.2465, 35.2265 and 36.2065 are amended as follows:**

[CFU-2]

**33.2265 Lots of Exception**

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.22602263(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.22602263(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.22602263(A);
- (5) The division complies with the dimensional requirements of MCC 33.22562260 (C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

\* \* \*

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2260(C)33.2256 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 33.2305~~2261~~, the exception standards for secondary fire safety zones in MCC 33.2310, and the land division requirement that “the tentative plan complies with the area and dimensional requirements of the underlying zoning district” shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

\* \* \*

[CFU-1]

**33.2065 Lots of Exception**

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2060-2063(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2060-2063(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.2060-2063(A);
- (5) The division complies with the dimensional requirements of MCC 33.2060-2056 (C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

\* \* \*

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2060(C)2056 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 33.2105~~2061~~, the exception standards for secondary fire safety zones in MCC 33.2110, and the land division requirement that

“the tentative plan complies with the area and dimensional requirements of the underlying zoning district” shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

\* \* \*

[CFU-5]

### 33.2465 Lots of Exception

An exception to permit the creation of a lot of less than the minimum specified in MCC 33.2460-2463(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 33.2460-2463(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 33.2460-2463(A);
- (5) The division complies with the dimensional requirements of MCC 33.2460-2456(C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

\* \* \*

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 33.2460-2456(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 33.2505-2461, the exception standards for secondary fire safety zones in MCC 33.2510, and the land division requirement that “the tentative plan complies with the area and dimensional requirements of the underlying zoning

district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

\* \* \*

[CFU-4]

**35.2265 Lots of Exception**

An exception to permit the creation of a lot of less than the minimum specified in MCC 35.2260-2263(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 35.2260-2263(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 35.2260-2263(A);
- (5) The division complies with the dimensional requirements of MCC 35.2260-2256(C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

\* \* \*

(5) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 35.2260-2256(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 35.2305-2261, the exception standards for secondary fire safety zones in MCC 35.2310, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

\* \* \*

[CFU]

**36.2065 Lots of Exception.**

An exception to permit the creation of a lot of less than the minimum 80 acre parcel size for new parcels may be authorized as provided in (A) or (B) below and subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided is larger than 80 acres;
- (2) The Lot of Exception will contain a dwelling which lawfully existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres;
- (4) The division will create no more than one lot which is less than 80 acres;
- (5) The division complies with the dimensional requirements of MCC 36.2060-2056(C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

\* \* \*

(6) The new property line proposed to divide the existing parcel shall be located such that:

- (a) Forest Practices Setback dimensional requirements in MCC 36.2060-2056(C) are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
- (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas; and

(7) The development standards for dwellings and structures in MCC 36.2105-2061, the exception standards for secondary fire safety zones in MCC 36.2110, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

\* \* \*

**Section 53. §§ 33.2070, 33.2270, 33.2470, 35.2070, 35.2270, and 36.2070 are amended as follows:**

*[CFU-1]*

**33.2070 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 33.7790, An an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC 33.20602056(C) through (E); and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2073 are met after the relocation of the common property line.

*[CFU-2]*

**33.2270 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 33.7790, An an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC 33.22602256(C) through (E); and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2273 are met after the relocation of the common property line.

[CFU-5]

**33.2470 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 33.7790, ~~An~~ an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC 33.2460~~2456(C)~~ through ~~(E)~~; and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and
- (5) If the properties abut a street, the required access requirements of MCC 33.2473 are met after the relocation of the common property line.

[CFU-3]

**35.2070 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 35.7790, ~~An~~ an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC 35.2060~~2056(C)~~ through ~~(E)~~; and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and
- (5) If the properties abut a street, the required access requirements of MCC 35.2073 are met after the relocation of the common property line.

[CFU-4]

**35.2270 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 35.7790, An an adjustment of the common lot line between contiguous Lots of Record based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC 35.22602256(C) through ~~(D)~~; and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and
- (5) If the properties abut a street, the required access requirements of MCC 35.2273 are met after the relocation of the common property line.

[CFU]

**36.2070 Lot Line Adjustment; Property Line Adjustment**

(A) Pursuant to the applicable provisions in MCC 33.7790, An an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC 36.20602056(C) through ~~(E)~~; and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and
- (5) If the properties abut a street, the required access requirements of MCC 36.2073 are met after the relocation of the common property line.

**Section 54. §§ 33.2290, 33.2090, 33.2490, 35.2090, 35.2290 and 36.2090 are renumbered and amended as follows:**

*[CFU-2]*

**33.2290-2273 Access**

Any All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2275(C).

*[CFU-1]*

**33.2090-2073 Access**

Any All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2075(C).

*[CFU-5]*

**33.2490-2473 Access**

Any All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2475(C).

*[CFU-3]*

**35.2090-2073 Access**

Any All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2075(C).

*[CFU-4]*

**35.2290-2273 Access**

Any All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 35.2275(C).

*[CFU]*

**36.2090-2073 Access**

Any All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 36.2075(C).

**Section 55. §§ 33.2275, 33.2075, 33.2475, 35.2075, 35.2275 and 36.2075 are amended as follows:**

*[CFU-2]*

**33.2275 Lot of Record**

\* \* \*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC ~~33.2290~~2273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

\* \* \*

*[CFU-1]*

**33.2075 Lot of Record**

\* \* \*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC ~~33.2090~~2073, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

\* \* \*

*[CFU-5]*

**33.2475 Lot of Record**

\* \* \*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC ~~33.2490~~2473, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

\* \* \*

*[CFU-3]*

**35.2075 Lot of Record**

\* \* \*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC ~~35.2090~~2073, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

\* \* \*

*[CFU-4]*

**35.2275 Lot of Record**

\* \* \*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC ~~35.2290~~2273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

\* \* \*

[CFU]

**36.2075 Lot of Record.**

\* \* \*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 36.2090~~2073~~, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

\* \* \*

**Section 56. §§ 33.2280, 33.2080, 33.2480, 35.2080, 35.2280 and 36.2080 are amended as follows:**

[CFU-2]

**33.2280 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC 33.2260-2263(A) may be created for the uses listed in MCC 33.2220~~(S)(R)~~ and 33.2230~~(D)(A)~~(1) through (6), (9) through (13), and (16) and ~~(E)(B)~~(1) through (4), after approval is obtained pursuant to MCC 33.2245 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for 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.

[CFU-1]

**33.2080 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC 33.2060-2063(A) may be created for the uses listed in MCC 33.2020~~(S)(R)~~ and 33.2030~~(B)(A)~~(1) through (6), (9) through (13), and (16) and ~~(C)(B)~~(1) through (4), after approval is obtained pursuant to MCC 33.2045 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for 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.

[CFU-5]

**33.2480 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC 33.2460-2463(A) may be created for the uses listed in MCC 33.2420~~(S)(R)~~ and 33.2430~~(B)(A)~~(1) through (6), (9) through (13), (16), and ~~(C)(B)~~(1) through (4), after approval is obtained pursuant to MCC 33.2445 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for 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.

[CFU-3]

**35.2080 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC 35.2060-2063(A) may be created for the uses listed in MCC 35.2020(S)(R) and 35.2030(A)(1) through (6), (9) through (13), and (16) and (B)(1) through (4), after approval is obtained pursuant to MCC 35.2045 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for 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.

[CFU-4]

**35.2280 Lot Size for Conditional Uses**

Lots less than the minimum specified in MCC 35.2260-2263(A) may be created for the uses listed in MCC 35.2220(S)(R) and 35.2230(D)(A)(1) through (6), (9) through (13), and (16) and (E)(B)(1) through (4), after approval is obtained pursuant to MCC 35.2245 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for 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.

[CFU]

**36.2080 Lot Size for Conditional Uses.**

Lots less than the minimum specified in MCC 36.2060-2063(A) may be created for the uses listed in MCC 36.2020(S)(R) and 36.2030(A)(D)(1) through (6), (9) through (13), and (16) and (E)(B)(1) through (4), after approval is obtained pursuant to MCC 36.2045 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for 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.

**Section 57. §§ 33.2255, 33.2055, 33.2455, 35.2055, 35.2255, and 36.2055 are renumbered as follows:**

*[CFU-2]*

**33.2255-2307 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices**

\* \* \*

*[CFU-1]*

**33.2055-2107 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices**

\* \* \*

*[CFU-5]*

**33.2455-2507 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices**

\* \* \*

*[CFU-3]*

**35.2055-2107 Single Family Dwellings Condition of Approval – Prohibition on Claims Alleging Injury From Farm or Forest Practices**

\* \* \*

*[CFU-4]*

**35.2255-2307 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices**

\* \* \*

*[CFU]*

**36.2055-2107 Single Family Dwellings Condition of Approval - Prohibition on Claims Alleging Injury From Farm or Forest Practices**

\* \* \*

**Section 58. §§ 33.2310, 33.2110, 33.2510, 35.2110, 35.2310 and 36.2110 are amended as follows:**

*[CFU-2]*

**33.2310 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

(A) The secondary fire safety zone ~~and forest practices tract setbacks~~ for dwellings and structures may be reduced pursuant to the provisions of 33.2310 (B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties including the subject site; or
- (3) The proposed dwelling or structure is intended to be located within 130 feet of a legally existing dwelling or structure.

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

(1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or

(2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and

(3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and

(4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 33.2310 (B) (1) are utilized, or

(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 33.2310 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC ~~33.2220~~ ~~(D)33.2225(A)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC ~~33.2305-2261(B)(C)(3)~~ above.

(6) All accessory structures within the fire safety zone setbacks required by MCC ~~33.2305~~ 33.2256 shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building containing shall:

~~(a) Have a central monitored alarm system;~~

~~(b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.~~

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

[CFU-1]

**33.2110 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of 33.2110 (B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 33.2110 (B) (1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 33.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 33.2020 ~~2025(DA)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC 33.21052061(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 33.21052056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building shall:

- ~~(a) Have a central monitored alarm system;~~

(b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

[CFU-5]

**33.2510 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of MCC 33.2510 (B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties including the subject site; or
- (3) The proposed dwelling or structure is intended to be located within 130 feet of a legally existing dwelling or structure.

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 33.2510 (B) (1) are utilized, or

(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 33.2510 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 33.2420(D)2425(A) shall not be required to meet this standard, but shall satisfy the standard of MCC 33.2505-2461(B)(C)(3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 33.2505-2456 shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building shall:

(a) ~~Have a central monitored alarm system;~~

(b) ~~Have~~ exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban– Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

[CFU-3]

**35.2110 Exceptions to Secondary Fire Safety Zones and ~~Forest Practices Setbacks~~**

(A) The secondary fire safety zone ~~and forest practices tract setbacks~~ for dwellings and structures may be reduced pursuant to the provisions of 35.2110 (B) when:

(1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or

(2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or

(3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 35.2110 (B) (1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 35.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 35.2020-2025 (D) shall not be required to meet this standard, but shall satisfy the standard of MCC 35.2110 2061(B)(C)(3)-above.

- (6) All accessory structures within the fire safety zone setbacks required by MCC 35.21052056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 feet of a building shall:
  - (a) Have a central monitored alarm system;
  - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

[CFU-4]

**35.2310 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks**

(A) The secondary fire safety zone ~~and forest practices tract setbacks~~ for dwellings and structures may be reduced pursuant to the provisions of 35.2310 (B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 35.2310 (B) (1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 35.2310 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 35.2220-2225 ~~(DA)~~ shall not be required to meet this standard, but shall satisfy the standard of MCC 35.2305-2261 ~~(B)(C)(3)~~ above.

- (6) All accessory structures within the fire safety zone setbacks required by MCC 35.2305 ~~2256~~, and all accessory structures within 50 of a dwelling, shall have a central monitored alarm system.
- (7) All accessory structures within 50 feet of a building shall:
  - ~~(a) Have a central monitored alarm system;~~
  - (b) ~~H~~have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

[CFU]

**36.2110 Exceptions to Secondary Fire Safety Zones and ~~Forest Practices Setbacks~~**

(A) The secondary fire safety zone and ~~forest practices tract setbacks~~ for dwellings and structures may be reduced pursuant to the provisions of 36.2110 (B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.

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

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 36.2110 (B) (1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 36.2110 (B) (2) are utilized.

Exception: Expansions of existing single family dwellings as allowed by MCC 36.2020-2025 (DA) shall not be required to meet this standard, but shall satisfy the standard of MCC 36.2110 2061(B)(C)(3)-above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 36.21052056, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building shall:

(a) Have a central monitored alarm system;

(b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

**Section 59. §§ 33.2620, 33.2820, 33.3120, 33.3320, 33.4755, 34.2620, 34.2820, 34.3120, 34.3320, 34.4755, 35.2620, 35.2820, 35.3120, 35.3320, 35.4755, 36.2620, 36.2820, 36.3120, 36.3320, and 38.1010 are amended as follows:**

**33.2620 Allowed Uses**

\* \* \*

(R) Type A home occupation pursuant to the definition and restrictions of MCC 33.0005(H)(6)(a). Home occupations as defined by MCC 33.0005 (H)(6)(a) do not allow the level of activity defined in ORS 215.448.

\* \* \*

**33.2820 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005(H)(6)(a).

\* \* \*

**33.3120 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005(H)(6)(a);

\* \* \*

**33.3320 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005-~~(H)~~-~~(6)~~-~~(a)~~.

\* \* \*

**33.4755 Definition**

*Historical Landmark* means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 33.0005-~~(H)~~-~~(4)~~.

**34.2620 Allowed Uses**

\* \* \*

(R) Type A home occupation pursuant to the definition and restrictions of MCC 34.0005-~~(H)~~-~~(6)~~-~~(a)~~. Home occupations as defined by MCC 34.0005-~~(H)~~-~~(6)~~-~~(a)~~ do not allow the level of activity defined in ORS 215.448.

\* \* \*

**34.2820 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-~~(H)~~-~~(6)~~-~~(a)~~;

\* \* \*

**34.3120 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-~~(H)~~-~~(6)~~-~~(a)~~; and,

\* \* \*

**34.3320 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 34.0005-~~(H)~~-~~(6)~~-~~(a)~~.

\* \* \*

**34.4755 Definition**

*Historical Landmark* means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 34.0005-~~(H)~~-~~(4)~~.

**35.2620 Allowed Uses**

\* \* \*

(R) Type A home occupation pursuant to the definition and restrictions of MCC 35.0005-~~(H)~~(6)(a). Home occupations as defined by MCC 35.0005-~~(H)~~(6)(a) do not allow the level of activity defined in ORS 215.448.

\* \* \*

**35.2820 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-~~(H)~~(6)(a);

\* \* \*

**35.3120 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-~~(H)~~(6)(a);

\* \* \*

**35.3320 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005-~~(H)~~(6)(a).

\* \* \*

**35.4755 Definition**

*Historical Landmark* means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also *Historical Building* definition at MCC 35.0005-~~(H)~~(4).

**36.2620 Allowed Uses.**

\* \* \*

(R) Type A home occupation pursuant to the definition and restrictions of MCC 36.0005-~~(H)~~(6)(a). Home occupations as defined by MCC 36.0005-~~(H)~~(8)(a) do not allow the level of activity defined in ORS 215.448.

\* \* \*

**36.2820 Allowed Uses.**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-~~(H)~~(8)(a).

\* \* \*

**36.3120 Allowed Uses.**

\* \* \*

(F) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)-(8)-(a);  
and,

\* \* \*

**36.3320 Allowed Uses**

\* \* \*

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005-(H)-(8)-(a).

\* \* \*

**38.1010 Expedited Uses.**

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

\* \* \*

(21) Replace an existing mobile home in a mobile home space within a mobile home park, provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are existing uses, as defined in MCC 38.0015-(E)(7);

FIRST READING:

July 20, 2006

SECOND READING AND ADOPTION:

July 27, 2006



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Diane M. Linn*  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By *Agnes Sowle*  
Agnes Sowle, County Attorney



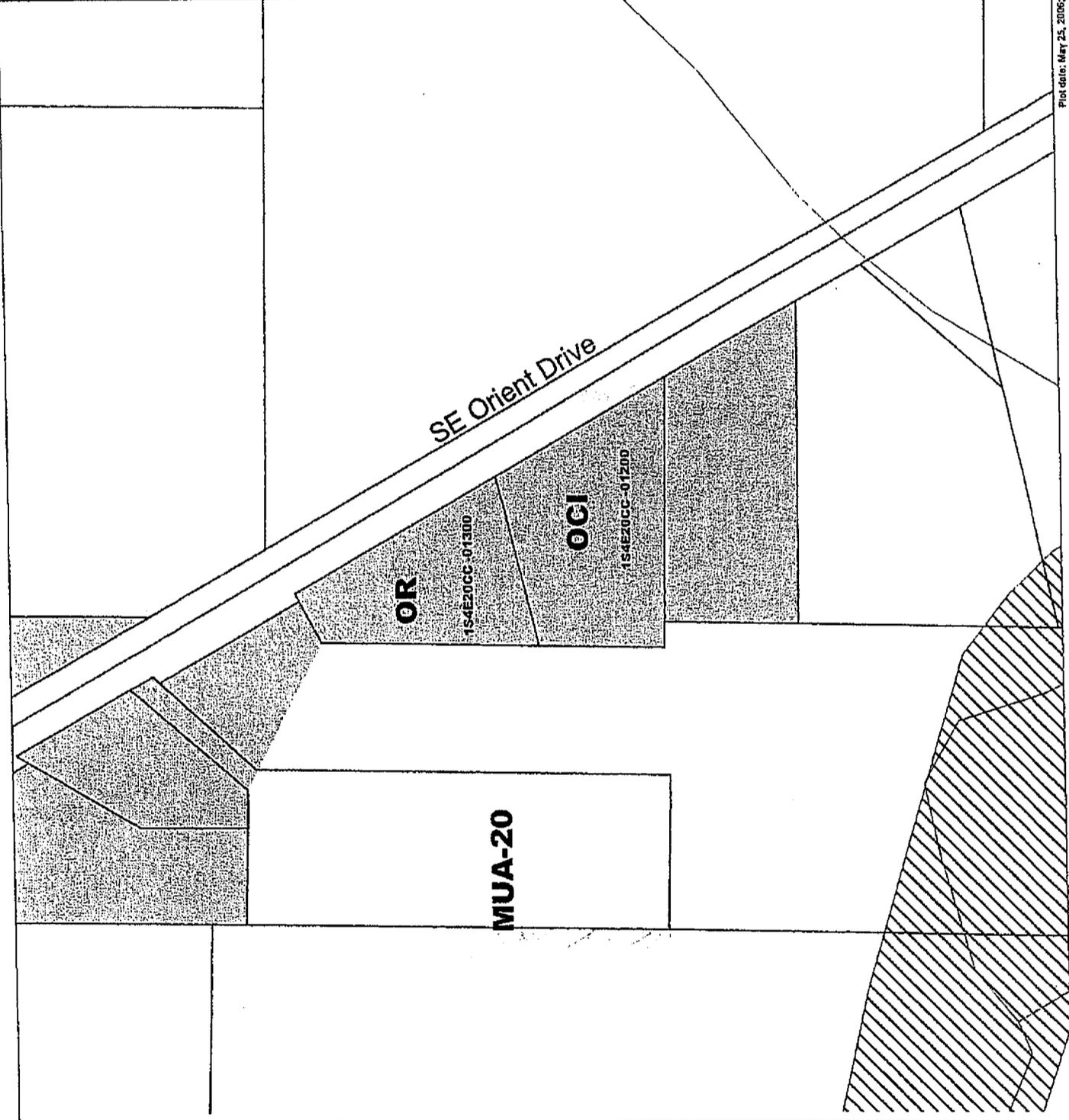
**Exhibit A**  
**PC-06-005**

**Proposed Zoning**



1600 SE 190th Ave.  
Portland, OR 97233  
503.248.3043 Fax 503.248.3089  
Email: land.use\_planning@co.multnomah.or.us

This map is based on data from Mairie  
Multnomah County cannot accept responsibility  
for errors, omissions or positional accuracy.  
There are no warranties expressed or implied.



Plot date: May 25, 2006; \\N:\CON\MAS\LandUse\Media\luc\_w\_04\counter\_new.spr

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