



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

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

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

NOTICE OF ADOPTED AMENDMENT

October 5, 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 004-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 20, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

Cc: Gary Clifford, Multnomah County

<paa>



FORM 2

D L C D NOTICE OF ADOPTION

DEPT OF

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

OCT 02 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: MULTNOMAH COUNTY Local File No.: PC 05-002
(If no number, use none)

Date of Adoption: SEPTEMBER 28, 2006 Date Mailed: SEPTEMBER 30, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: JUNE 16, 2005

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

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."

ADD DEFINITION OF AGRICULTURAL BUILDING AND AMEND EFU
AND MUA-20 ZONING REGULATIONS TO REDUCE THE MINIMUM REAR
YARD (SETBACK) REQUIREMENT FOR AGRICULTURAL BUILDINGS TO
10 FEET (FROM 30 FEET) IF NEIGHBOR'S HOUSE IS AT LEAST 40 FEET AWAY.

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 : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 004-05 (14466)

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: GARY CLIFFORD Area Code + Phone Number: 503-988-3043x26782
 Address: 1600 SE 190TH AVENUE City: PORTLAND
 Zip Code+4: 97233-5910 Email Address: gary.clifford@co.multnomah.or.us

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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1081

Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically it is necessary to reexamine regulations to ensure that they continue to serve the purpose for which they were enacted. Sometimes, changing or unforeseen circumstances necessitate adding more flexibility to the regulations.
- b. The Planning Commission heard testimony that “rear yard” (setback to the rear property line) requirements for agricultural buildings (barns) are greater than needed in some situations. A work session and public hearing were held which researched and evaluated the issue. The Zoning Code amendments in this ordinance reflect that work.
- c. The zoning districts where land parcels are larger and where there is the most need for agricultural buildings are the Exclusive Farm Use (EFU) and Multiple Use Agriculture-20 (MUA-20) zoning districts. On those larger parcels any adverse impacts on neighboring houses from the presence of large agricultural buildings are less likely to occur because of the ability to have more choices in the location of these structures. Those adverse impacts may include the loss of light, air circulation, and open space if barns are too close to neighboring houses. The amendments in this ordinance recognize those impacts and, where there are no neighboring houses, allow more flexibility in the siting of new barns to allow them to be closer to rear property lines.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, and 35.0005, 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.

Accessory Building – A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

- (a) Storage, maintenance or repair of farm machinery and equipment;
- (b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) *Agricultural building* does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

* * *

Section 2. § 36.0005, Definitions, is amended as follows:

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.

Accessory Building - A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

(a) Storage, maintenance or repair of farm machinery and equipment;

(b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) *Agricultural building* does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure

subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Section 3. §§ 33.0005, 34.0005, 35.0005, and 36.005, 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.

* * *

Educational Institution – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

* * *

Equine facility – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a building located on a farm and used by the farm owner or the public for: Stabling or training equines; or Riding lessons and training clinics.

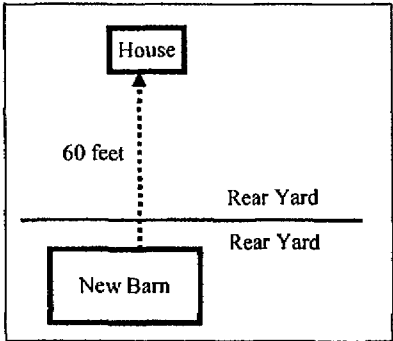
* * *

Section 4. §§ 33.2660, 34.2660, and 35.2660, Dimensional Requirements, EFU zones, are amended as follows:

* * *

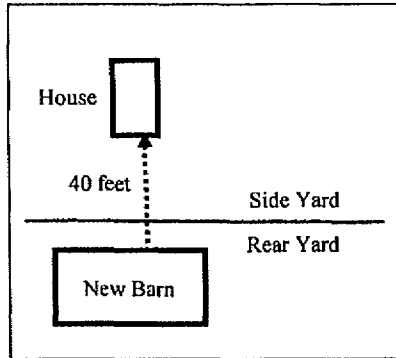
(F) *Agricultural structures and equine facilities* such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

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



For illustrative purposes only.

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



For illustrative purposes only.

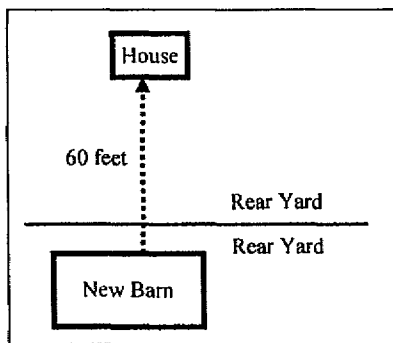
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 5. § 36.2660, Dimensional Requirements, EFU zone, is amended as follows:

* * *

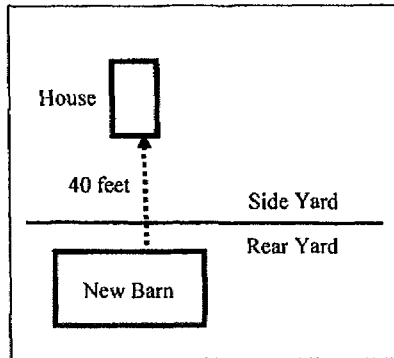
(H) *Agricultural structures and equine facilities* such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear *yard* of less than 30 feet, to a minimum of 10 feet, if:

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



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



For Illustrative purposes only.

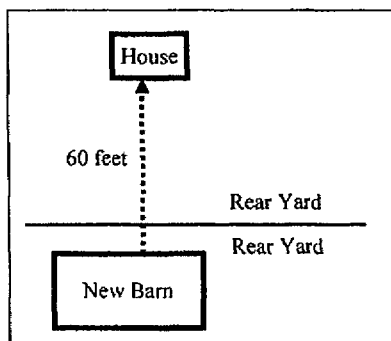
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 6. §§ 33.2855, 34.2855, and 35.2855, Dimensional Requirements, MUA-20 zones, are amended as follows:

* * *

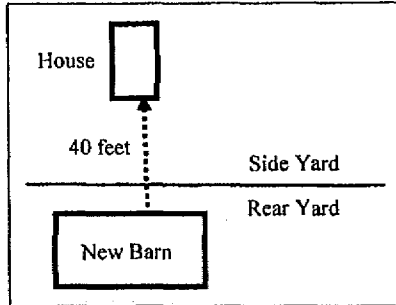
- (F) *Agricultural structures and equine facilities* such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear *yard* of less than 30 feet, to a minimum of 10 feet, if:

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



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



For illustrative purposes only.

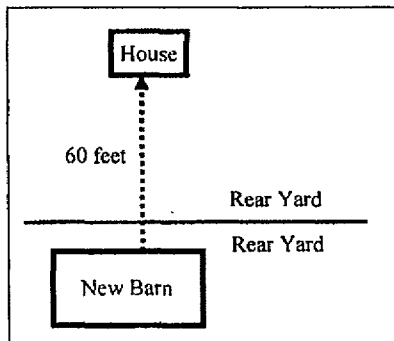
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 7. § 36.2855, Dimensional Standards and Development Requirements, MUA-20 zone, is amended as follows:

* * *

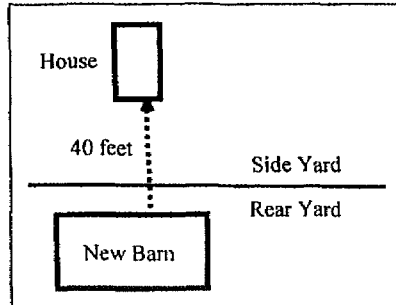
- (1) *Agricultural structures and equine facilities* such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

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



For illustrative purposes only.

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



For illustrative purposes only.

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

FIRST READING:

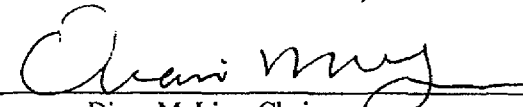
September 21, 2006

SECOND READING AND ADOPTION:

September 28, 2006



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Sandra N. Duffy, Assistant County Attorney