



Multnomah County Zoning Ordinance

M.C.C. 11.15

Introduction

The Multnomah County Zoning Ordinance is a section of the Multnomah County Code that, along with the Zoning Maps, govern what kind of development is appropriate in different areas of Multnomah County. The Multnomah County Zoning Maps are an integral part of determining the regulations apply to each specific property. In order to find out how your property is zoned **YOU WILL NEED TO CONTACT THE OFFICE.**

You can visit our office: 1600 S.E. 190th Avenue, Portland, OR 97233;
call us: (503) 988-3043;
or contact us via e-mail: land.use.planning@co.multnomah.or.us

PLEASE NOTE: These documents are constantly under revision. Updates happen regularly, so please be aware that these documents are provided for informational purposes only. For advice on the most recent version of these ordinances, you must contact our office.

Legislative History of the Multnomah County Zoning Ordinance

Multnomah County first adopted zoning regulations on May 26, 1953, on an interim basis. A permanent ordinance was enacted for the North-Central portion of the County on April 19, 1955, and successive geographic areas were added until the entire unincorporated County had permanent zoning on December 11, 1958. (Interim regulations, adopted August 15, 1955, applied to those areas awaiting permanent zoning). On November 15, 1962, the permanent zoning ordinance was re-enacted for the entire unincorporated County as Ordinance No. 100. Ordinance No. 100 underwent several amendments over the years, the last of which was its codification as Chapter 11.15 of the Multnomah County Code on March 23, 1982 through Ordinance No. 300.

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You can also contact us by phone at: (503) 988-3043
and by post to: 1600 S.E. 190th Avenue
Portland, OR 97233-5910



11.15.0005 Title

This Chapter shall be known and may be cited as the *Zoning Ordinance of Multnomah County, Oregon*.

11.15.0010 Definitions

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

A

A B C D E F G H I J K L M N O P R S T U V W Y

Accessory Building

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

Accessway

A private street which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

Adult Arcade

An establishment offering viewing booths or rooms for one or more persons in which a substantial portion of the material presented (either live, closed circuit or reproduced) is characterized by an emphasis on nudity and/or specified sexual activities. *[Added 1984, Ord. 421 § 2]*.

Adult Bookstore

An establishment having, as a substantial or significant portion of its merchandise, such items as books, magazines, other publications, films, video tapes or video discs which are for sale, rent or viewing on premises and which are distinguished by their emphasis on matters depicting specific sexual activities. *[Added 1983, Ord. 373 § 5; Amended 1984, Ord. 421 § 2]*

Adult Cabaret

An establishment having as its primary attraction live exhibitions (either for direct

viewing, closed circuit viewing, or viewing through a transparent partition) for patrons, either individually or in groups, where a substantial portion of the material presented is characterized by an emphasis on nudity and/or specified sexual activities. *[Added 1984, Ord. 421 § 2].*

Adult Entertainment Business

A term intended to cover a broad range of activities characterized by live, closed circuit, or reproduced material which has an emphasis on nudity and/or sexual activity. The term adult business also includes the full range of adult theaters and related businesses defined below. Adult businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which feature a combination of activities or merchandise described above which collectively make up a substantial or significant portion of the establishment's activities or merchandise. The term *Adult Entertainment Business* also includes other uses similar to the uses listed above, presenting material for patrons to view (live, closed circuit or reproductions), and/or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity and/or specified sexual activity; and limiting entrance to patrons who are over 18 years of age. *[Added 1983, Ord. 405 § 2; Amended 1984, Ord. 421 § 2]*

Adult Paraphernalia Shop

An establishment offering as a substantial or significant portion of its merchandise objects which simulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activities. *[Added 1984, Ord. 421 § 2].*

Adult Theater

An establishment used primarily for presenting material (either live, closed circuit or pre-recorded) for observation by patrons therein, having as a dominant theme an emphasis on nudity and/or specific sexual activities. *[Added 1983, Ord. 373 § 5; Amended 1984, Ord. 421 § 2]*

Agriculture

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

Agricultural Land

- a. Land of predominantly Class I, II, III and IV soils, as identified in the Soil Capability Classification System of the United States Soil Conservation Service.
- b. Other land suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices; and

- K. Land in other soil classes which is necessary to permit farm practices to be undertaken on adjacent or nearby lands.

Airport

See *Aircraft Landing Field*.

Aircraft Landing Field

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

Alley

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

Alteration

May be a change in construction or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to change of occupancy from one trade or use to another or from one division of trade or use to another.

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.

Apartment

Any building or portion thereof used for or containing three or more dwelling units.

Annual Average Day/Night Sound Level

See [L_{dn} \(Annual Average Day/Night Sound Level\)](#).

Applicant

The record owner or owners of a unit, area or tract of land proposing land development activities covered by this Chapter and includes the authorized representative of the record owner or owners.

[Added 1990, Ord. 643 § 2]

Approval Authority

The Planning Commission, Hearings Officer or Planning Director authorized to grant approvals as specified by this Chapter.

Archeological Resource

A district, site, building, structure or artifact which possesses material evidence of life and culture of the prehistoric and historic past.

B

A B C D E F G H I J K L M N O P R S T U W Y

Ballot Measure

[Deleted 1983, Ord. 365 § 3]

Base Flood

A flood of such magnitude as to have a one percent probability of being equalled or exceeded in any given year. *[Added 1982, Ord. 324 § 2]*

Base Flood Level

The elevation of a Base Flood, referenced to the National Geodetic Vertical Datum of 1929 (NGVD). *[Added 1982, Ord. 324 § 2]*

Basement

[Deleted 1984, Ord. 428 § 3]

Bench Advertising Sign

[Deleted 1986 Ord. 543 § 2]

Board

The Board of County Commissioners of Multnomah County, Oregon.

Boarding House

See *House (Boarding, Lodging or Rooming)*.

Building

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

Building Height

The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater

height of building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
- An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building, or as amended by the *State of Oregon Structural Specialty Code and Fire and Life Safety Regulations*. [Amended 1984, Ord. 428 § 3]

Building Line

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

Building Permit

A permit required pursuant to Multnomah County Code 11.15.8210(A), certifying compliance with all applicable building regulations. [Added 1990, Ord. 643 § 2]

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Car Wash (Convenience)

Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets, as an accessory use to an automobile service station.

Car Wash (Full Service or Self-Service)

Mechanical facilities for the washing, waxing and vacuuming of automobiles, light trucks and vans.

Car Wash (Industrial)

Mechanical facilities for the washing, waxing, and vacuuming of automobiles, heavy trucks and buses.

Cellar

That portion of a building between floor and ceiling which is wholly or partly below grade, and

so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Clinic

A place in which out-patients are given health related treatment and in which one or more health related professionals practice. *[Added 1983, Ord. 373 §5]*

Community Plan

The Community Plan of a specific area adopted as a component of the Comprehensive Plan.

Comprehensive Plan

The Comprehensive Plan adopted by Multnomah County, including any plan or plan element adopted as a component of the Comprehensive Plan.

Conditional Use

A use which may be permitted by the Approval Authority following action proceedings, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Corner Lot

See *Lot (Corner)*.

Convenience Car Wash

See *Car Wash (Convenience)*.

Cottage Industry

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

Court

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

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Day Nursery

A facility for the provision of care during a portion of a 24 hour day for five or more children not related to nor the wards of the attending adult. A Day Nursery with 12 or fewer children is distinguished from Family Day Care either by:

- a. Location in a non-residential structure; or
- b. Provision of care by someone other than a resident of the home.

[Amended 1990, Ord. 643 § 2]

Development

Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative. *[Added 1990, Ord. 643 § 2]*

Director

The Director of Multnomah County Department of Environmental Services or the Director's delegate. *[Added 1982, Ord. 324 § 2]*

Dormitory

A room for sleeping purposes for more than four persons, which is rented.

Drive-In

An establishment so developed with a driveway, drive-up or drive-through facility or parking area that services are supplied in whole or in part to a customer in a motor vehicle, or in the case of self-service food or drink, for consumption outside the building.

Dwelling Unit

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

Dwelling (Duplex or Two-Unit)

A detached building designed for two dwelling units, whether in separate or single ownership.

Dwelling (Single Family Detached)

A detached building designed for one dwelling unit including *Mobile Homes* under the provisions of MCC .7705 through .7715 or as specified within the district. *[Amended 1991, Ord. 681 § III]*

Dwelling (Multi-Plex Structure)

[See Multi-plex Dwelling Structure.](#)

Duplex Dwelling

See *Dwelling (Duplex or Two Unit)*.

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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.

Election

[Deleted 1983, Ord. 365 § 3]

Elementary School

See *School (Primary, Elementary or High)*.

Emergency/Disaster

A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment. *[Added 2000, Ord. 947 § 1]*

Emergency/Disaster Response

Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions. *[Added 2000, Ord. 947 § 1]*

Erosion

The process of the gradual wearing away of land masses. *[Added 1982, Ord. 324 § 2]*

Existence

To continue to be in being; to remain.

F

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Family

Any one of the following shall be considered a family when living together as a single housekeeping unit within a dwelling unit (excluding servants):

- a. An individual or two or more persons related by blood, marriage, legal adoption, foster care or guardianship; or
- b. A group of not more than five (5) unrelated persons; or
- c. Residential Home- A residence for (5) or fewer unrelated mentally or physically handicapped persons and staff persons who need not be related to each other or any other home resident. A residential home must be registered as an Adult Care Home with Multnomah County Department of Human Services pursuant to Chapter 8.90 of Title 8 of the Multnomah County Code, 8.90.005 - 8.90.260.

Each group described herein or portion thereof, shall be considered a separate family. *[Amended 1984, Ord. 431 § 2]*

Family Day Care

A residence where 12 or fewer children are provided care during a portion of a 24 hour day by an adult residing within said residence. Minor children of the provider shall be included in the 12-child limit if also cared for in the home. *[Added 1990, Ord. 643 § 2]*

Fast Food Service

The retail sales in a building of convenience food or specialty menu items, and ordered and served at a counter or window whether for consumption on or off the premises, when the facility is designed primarily to serve customers arriving by automobile. Such food items include, but are not limited to, dairy products, donuts, fish and chips, fried chicken, hamburgers, hot dogs, ice cream, pizza, sandwiches, soft drinks or tacos.

Feed Lot

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

Fill

The addition of any material to land other than a structure or landscaping. *[Added 1982, Ord. 324 § 2]*

Findings

A written statement of facts, conclusions and determinations based on the evidence presented in relation to the approval criteria and prepared by the Approval Authority in support of a decision.

Flag Lot

A lot or parcel which includes a private driveway as part thereof.

Flood

A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source. *[Added 1982, Ord. 324 § 2]*

Flood Hazard Boundary Map

The current official map of the Federal Insurance Administration on which areas of flood hazard are identified. *[Added 1982, Ord. 324 § 2]*

Flood Insurance Rate Map

The current official map of the Federal Insurance Administration on which areas of special flood hazard and risk premium zones are identified. *[Added 1982, Ord. 324 § 2]*

Flood Level

The surface elevation of flood waters. *[Added 1982, Ord. 324 § 2]*

Flood Plain

Those land areas which are susceptible to inundation by flood waters. *[Added 1982, Ord. 324 § 2]*

Floodproofing

Any combination of additions, changes or adjustments to structures or land designed to prevent or reduce flood damage. *[Added 1982, Ord. 324 § 2]*

Floor Area

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

Forest Land

The designation of forest lands shall be according to the United States Forest Service Manual *Field Instructions for Integrated Forest Survey and Timber Management Inventories Oregon, Washington and California, 1974* and shall include:

- a. Land composed of existing forested land suitable for commercial forest uses;
- b. Other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation;
- c. Land on which extreme conditions of climate, soil and topography require the maintenance of vegetative cover; and
- d. Other forested land in urban and agricultural areas which provides an urban buffer, wind break, wildlife and fisheries habitat, livestock habitat, scenic corridor or recreational use.

Front Lot Line

See *Lot Line (Front)*.

Frontage

That portion of a lot on one side of a street between two intersecting streets, accessways or other rights-of-way (crossing or terminating), measured along the line of the street, or, for a dead-end street or an accessway, all the property between an intersecting street or other right-of-way and the dead-end of the street or accessway.

Front Yard

See *Yard (Front)*.

Full Service Car Wash

See *Car Wash (Full or Self Service)*.

Future Street Plan

A plan approved by the Approval Authority for the continuation into nearby property of any street in a Type I Land Division to facilitate the future division of the nearby land according to the provisions of the Land Division Chapter.

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Garden Apartment

A walk-up apartment structure of two or three stories having three or more dwelling units, each of which occupies only one story.

Grade (Adjacent Ground Elevation)

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building, or as amended by the *State of Oregon Structural Speciality Code and Fire and Life Safety Regulations*. [Amended 1984, Ord. 428 §3]

Grazing

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

Group Care Facility

A building or buildings on contiguous property used to house six or more handicapped or socially dependent persons. This definition includes the definitions of Residential Care Facility, Residential Training Facility, and Residential Treatment Facility contained in ORS 443.400(5), (7) and (9). [Added 1984, Ord. 431 § 2; Amended 1990, Ord. 643 § 2].

H

A B C D E F G H I J K L M N O P R S T U W Y

Hearings Officer

A person appointed to conduct public hearings and take action in *action proceedings* as specified by this Chapter.

High School

See *School (Primary, Elementary or High)*.

Highway (State)

Any road or highway designated as such by law or by the Oregon Transportation Commission; includes both primary and secondary State highways.

Historical Building

Any building or structure designated under a local government landmark or historic district

ordinance, or entered in the *National Register of Historic Places*, or listed in the *Oregon State Inventory of Historical Sites, Buildings, and Properties Approved for Nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation*.

Historical Resources

Those districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past.

Homes for the Aged

[Deleted 1984, Ord. 431 § 2]

Home Occupation

- A. A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. - 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 11.15.7912 with the exception of those required under MCC 11.05.500 - .575), and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.
- 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 11.15.7105 and .7455.

[Amended 1984, Ord. 431 § 2; Amended 1998, Ord. 900 § III].

Homestead Lot

A lot of from two to five acres, depending upon the conditions of soil, topography or other circumstances which govern parcel size on which the existing dwelling shall have been the principal farm dwelling for at least ten years prior to August 14, 1980. The Hearings Officer may approve a Homestead Lot division as a non-farm use, provided that all of the approval criteria of this Chapter are met.

Horticulture

The cultivation of plants, garden crops, trees and/or nursery stock.

Hotel

Any building containing six or more rooms designed to be used, or which are used, by paying guests for sleeping purposes.

House (Boarding, Lodging or Rooming)

Any building or portion thereof containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise, excluding a Residential Home as defined in this Section. [*Amended 1984, Ord. 431 § 2*].

I

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Industrial Car Wash

See *Car Wash (Industrial)*.

J

Junk Yard

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

K

Kennel

Any lot or premises on which four or more dogs, more than six months of age, are kept.

L

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Large Fill

The addition of more than 5,000 cubic yards of material to a site.

L_{dn} (Annual Average Day/Night Sound Level)

The L_{dn} *Day/Night Sound Level*, in decibels, is the 24-hour average sound level, from midnight to midnight, obtained after adding ten decibels to sound levels in the night from midnight to 7:00 AM, and from 10:00 PM to midnight (0000 to 0700, and 2200 to 2400 hours), and then averaged day to day over a 12 month period. [Added 1984, Ord. 415 §3]

Loading Space

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

Lodging House

See *House (Boarding, Lodging or Rooming)*.

Lot

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

Lot Area

The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

Lot (Corner)

A lot which occupies an interior angle of less than 135 degrees, formed by the intersection of two streets or a street and an accessway.

Lot Coverage

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

Lot Lines

The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

Lot Line (Front)

In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot.

Lot Line (Rear)

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

Lot Line (Side)

Any lot line not a front or rear lot line.

Lot of Record

Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, unit of land or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 11.45.117. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

- a. "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.
- b. "Satisfied all applicable land division laws" shall mean the parcel or lot was created:
 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
 5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

Lot Width

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

M

A B C D E F G H I J K L M N O P R S T U W Y

Manufactured Homes

See *Mobile Home*. [Added 1987, Ord. 549 § 2; Amended 1991, Ord. 681 § III]

Manufactured Home Park or Subdivision

For purposes of MCC .6301 through .6324, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [Added 1987, Ord. 549 §2]

May

May is permissive.

Measures or Ballot Measures

[Deleted 1983, Ord. 365 § 3]

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 of MCC .7705 through .7715 or as specified within the district:

- a. Residential Trailer - A mobile home which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD), in effect after June 15, 1976. This definition includes the State definitions of *Residential Trailers* and *Mobile Homes* stated in the Oregon Revised Statutes (ORS) 446;
- b. Manufactured Home - A mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976;
- c. For flood plain management purposes (MCC .6301 through .6324) only, the term *Manufactured Home* also includes park trailers, travel trailers, and other similar vehicles placed on a site for

greater than 180 consecutive days. *[Amended 1990, Ord. 643 § 2; Amended 1991, Ord. 681 § III]*

Mobile Home Park

Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land where space is rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. *[Amended 1991, Ord. 681 § III]*

Mortgage Lot

A lot having less than the minimum area required under this Chapter, created out of a tract which itself conforms to lot area requirements, to enable the contract purchaser of the tract to finance construction of a single family residence thereon. A mortgage lot may be created only in the EFU, CFU and MUF districts.

Motel

Same as *Hotel*.

Multi-Plex Dwelling Structure

A row house or town house apartment structure.

Museum

A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects. *[Added 1986, Ord. 510 §2]*

N

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New Structure

Any structure for which a building permit is required after July 15, 1982. *[Added 1982, Ord. 324 § 2]*

Noise Contour

A *Noise Contour* is the graphic depiction of the extent to which an average noise level affects the area surrounding a source of noise. *[Added 1984, Ord. 415 §3]*

Noise Contour (65 L_{dn})

The most current 65 L_{dn} Noise Contour, as annually updated by the Port of Portland and approved by the FAA. *[Added 1984, Ord. 415 §3]*

Noise Impact

Noise Impact is the extent to which a level of noise interferes with the full utilization of land. The Oregon Department of Transportation, Aeronautics Division identifies two (2) levels of noise impact:

- a. Moderate noise impact occurs in the areas subject to noise levels of from L_{dn} 55 to L_{dn} 65.
- b. Substantial noise impact occurs in areas subject to noise levels of from L_{dn} 65 and upwards.

[Added 1984, Ord. 415 §3]

Non-Conforming Sign

A sign that does not conform to the requirements of this Chapter.

Non-Conforming Use

A legally established use, structure or physical improvement in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the use regulations of the zoning district in which it is located. *[Amended 2000, Ord. 940 § II]*

Nude

See *Nudity*.

Nudity

Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered and in the case of a female exposing to view one or both breasts without a circular covering, centered on the nipple that is at least three inches in diameter and does not simulate the organ covered. *[Added 1984, Ord. 421 § 2].*

Nursing Home

A building or part thereof in which:

- a. Convalescent and/or chronic care is rendered in exchange for compensation to two or more patients requiring regular on-premise physician or nurse care. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick; *[Amended 1984, Ord. 431 § 2].*
- b. Persons who are acutely ill or are surgical or maternity cases are excluded;
- c. Qualified personnel and a consulting physician are available at all times; and<

d. Isolation facilities are provided.

O

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One-Hundred Year Flood Plain

Any land area susceptible to inundation by a flood which has a one percent probability of being equalled or exceeded in any given year. *[Added 1982, Ord. 324 § 2]*

P

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Permit Section

The division of the Department of Environmental Services authorized to issue building and other land development permits.

Permitted Use

A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Chapter.

Planning Commission

The Commission established under MCC 11.05.010(B).

Planning Director

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

Premises

A lot with or without buildings.

Primary School

See *School (Primary, Elementary or High)*.

Primary Use

See *Permitted Use*.

Principal Use

The main use to which the premises is devoted and the primary purpose for which the premises exists.

Private Driveway

A private street which is part of and provides access only to one lot or parcel (See *Flag Lot*).

Private Street

A street which is either a private driveway or an accessway, which is under private ownership, and which passes through or alongside the full length or width of a separate lot or parcel, either existing or proposed.

Professional Office

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

R

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Rear Lot Line

See *Lot Line (Rear)*.

Rear Yard

See *Yard (Rear)*.

Recreational Vehicle Park

Any place where two or more vehicles designed and used for temporary human occupancy are located within 500 feet of each other on a lot, parcel or tract which is rented or kept for rent for periods of one month or less.

Residential Care Facility

See *Group Care Facility*. [Added 1984, Ord. 431 § 2].

Residential Home

See *Family*. [Added 1984, Ord. 431 § 2].

Residential Trailer

See *Mobile Home*. [Added 1991, Ord. 681 § III]

Residential Treatment Facility

See *Group Care Facility*. [Added 1984, Ord. 431 § 2].

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.

Rooming House

See *House (Boarding, Lodging or Rooming)*.

Row House

A one-story apartment structure having three or more dwelling units.

S

A B C D E F G H I J K L M N O P R S T U W Y

School (Trade and Commercial)

A building or land where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

School (Primary, Elementary or High)

Including private or parochial, but not including nursery school, kindergarten or day nursery, except those operated in conjunction with a school.

Self Service Car Wash

See *Car Wash (Full or Self Service)*.

Service Station

Any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Shall

Shall is mandatory.

Sight-Obscuring Fence

A fence consisting of wood, metal or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

Side Lot Line

See *Lot Line (Side)*.

Side Yard

See *Yard (Side)*.

Sign Area

[Deleted 1986, Ord. 543 § 2]

Sign (Bench Advertising)

[Deleted 1986, Ord. 543 § 2]

Sign (Political)

[Deleted 1983, Ord. 365 § 3]

Sign (Public)

[Deleted 1986, Ord. 543 § 2]

Sign (Useful Life Span)

[Deleted 1983, Ord. 365 § 3]

Single Family Detached Dwelling

[See Dwelling \(Single Family Detached\)](#).

Specified Sexual Activities

Real or simulated acts of human sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human sexual organs in a stimulated state or the characterization thereof in printed form. *[Added 1983 Ord. 373 § 5; Amended 1983, Ord. 405 § 2; Amended 1984, Ord. 421 § 2].*

State Highway

See *Highway (State)*.

Story

That portion of a building included between the upper surface of any floor and the upper surface

of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above an useable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story, or as amended by the *State of Oregon Structural Speciality Code and Fire and Life Safety Regulations*. [Amended 1984, Ord. 428 § 3]

Story (Half)

[Deleted 1984, Ord. 428 § 3]

Street

A public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms Street, Road, Avenue, Boulevard, Lane, Place, and other such terms.

Structural Alteration

See *Alteration (Structural)*.

Structure

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

Substantial Improvement

- a. Any improvement, repair or reconstruction to an existing structure in a Flood Hazard District having a construction cost of more than fifty percent of the structure's assessed value immediately prior to improvement, or
- b. The addition, extraction or movement of any dirt, rock, or other material, or any new structure which will result in a volume larger than the volume required to increase the elevation of the property by a total height of six inches. *[Added 1982, Ord. 324 § 2]*

T

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Timber Growing

The growing of trees for the production of timber.

Town house

An apartment structure of two or more stories having three or more dwelling units which share common walls but not floors and ceilings.

Trade School

See *School (Trade and Commercial)*.

Transitional Area

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

Transitional Use

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

Two-Unit Dwelling

See *Dwelling (Duplex or Two-Unit)*.

U

Use Under Prescribed Conditions

A use permitted in a district when administratively approved by the Planning Director upon findings by the Director, without action proceeding, that the conditions or criteria of approval specified in this Chapter have been met.

W

Wetlands

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. *[Added 1990, Ord. 643 §2]*

Y

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Yard

An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building.

Yard (Front)

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

Yard (Rear)

A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

Yard (Side)

A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.

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11.15.1005 Districts

The County of Multnomah, outside incorporated cities, is hereby divided into the following districts:

(A) General or underlying districts:

EFU - Exclusive Farm Use District with a minimum lot size as specified by this Chapter.

CFU - Commercial Forest Use District with a minimum lot size of 80 acres.

MUA-20 - Multiple Use Agricultural District with a minimum lot size of 20 acres.

MUF - Multiple Use Forest District with a minimum lot size as specified by this Chapter.

RR - Rural Residential District with a minimum lot size of 5 acres.

RC - Rural Center District with a minimum lot size of 1 acre.

F-2 - Agricultural District with the minimum lot size for one dwelling unit dependent upon location, services, soil type and use capability factors.

S-R - Suburban Residential District with a variable lot size depending upon services available to each lot.

UF-20 - Urban Future District with a minimum lot size of 20 acres.

UF-10 - Urban Future District with a minimum lot size of 10 acres

LR-40 - Urban Low Density Residential District with a minimum lot size of 40,000 square feet for one dwelling.

LR-30 - Urban Low Density Residential District with a minimum lot size of 30,000 square feet for one dwelling.

LR-20 - Urban Low Density Residential District with a minimum lot size of 20,000 square feet for one dwelling.

LR-10 Urban Low Density Residential District with a minimum lot size of 10,000 square feet for one dwelling.

LR-7.5 - Urban Low Density Residential District with a minimum lot size of 7,500 square feet for one dwelling.

LR-7 - Urban Low Density Residential District with a minimum lot size of 7,000 square feet for one dwelling.

LR-5 - Urban Low Density Residential District with a minimum lot size of 5,000 square feet for one dwelling.

MR-4 - Urban Medium Density Residential District with a density range from 7.2 to 10.9 dwelling units per acre.

MR-3 - Urban Medium Density Residential District with a density range from 8.1 to 16.1 dwelling units per acre.

R-40 - Single Family Residential District with a minimum lot size of 40,000 square feet.

R-30 - Single Family Residential District with a minimum lot size of 30,000 square feet.

R-20 - Single Family Residential District with a minimum lot size of 20,000 square feet.

R-10 - Single Family Residential District with a minimum lot size of 10,000 square feet.

R-7 - Single Family Residential District with a minimum lot size of 7,000 square feet.

R-4 - Two-Family Residential District

A-2 - Apartment-Residential District

A-1-B - Apartment-Residential, Business Office District.

GGA-20 - NSA, General Management Agriculture, 20 acre minimum lot size.

GGA-40 - NSA, General Management Agriculture, 40 acre minimum lot size.

GSA-40 - NSA, Special Management Agriculture, 40 acre minimum lot size.

GGF-20 - NSA, General Management Agriculture, 20 acre minimum lot size.

GGF-80 - NSA, General Management Agriculture, 80 acre minimum lot size.

GSF-40 - NSA, Special Management Agriculture, 40 acre minimum lot size.

GGO - NSA, General Management, Open Space.

GGO-GW - NSA, General Management, Open Space-Gorge Walls.

GSO - NSA, Special Management, Open Space.

GGR-2 - NSA, General Management, Residential, 2 acre minimum lot size.

GGR-5 - NSA, General Management, Residential, 5 acre minimum lot size.

GGR-10 - NSA, General Management, Residential, 10 acre minimum lot size.

GSR - NSA, Special Management, Residential.

GGRC - NSA, General Management, Rural Center.

GGC - NSA, General Management, Commercial.

GG-PR - NSA, General Management, Public Recreation.

GG-CR - NSA, General Management, Commercial Recreation.

GS-PR - NSA, Special Management, Public Recreation.

C-4 - Local Commercial District.

C-3 - Retail Commercial District.

C-2 - General Commercial District.

LM - Urban Light Manufacturing District.

GM - Urban General Manufacturing District.

HM - Urban Heavy Manufacturing District.

(B) Special Districts:

LF - Airport-Landing Field District.

NI - Noise Impact District.

O-P - Off-Street Parking and Loading District.

P-D - Planned-Development District

FH, FW, FF - Flood Hazard, Flood Way and Flood Fringe Districts

WRG - Willamette River Greenway District.

SEC - Significant Environmental Concern District.

HP - Heritage Preservation District.

SPA - Special Plan Area District.

PAM - Protected Aggregate & Mineral Sites.

11.15.1010 Zoning Map

(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. *[Amended 1999, Ord. 932 §.II]*

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the

office of the Director of the Department of Environmental Services. *[Amended 1999, Ord. 932 §.II]*

11.15.1015 References to Other Sections of this Chapter

Within the body of Multnomah County Code Chapter 11.15, references are made from one section or part of other sections or parts. These references are abbreviated by the letters MCC followed by a decimal point and four numbers. These four numbers may also be followed by additional letters and numbers to denote subsections or parts. All such references are made to MCC 11.15 although the numbers 11.15, referring to Article 11, Chapter 15 are deleted for purposes of simplification of citations.

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D

D



EFU Table of Contents

Exclusive Farm Use District

11.15.2002 Purposes	11.15.2002 Purposes
11.15.2004 Area Affected	The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.
11.15.2005 Definitions	
11.15.2006 Uses	
11.15.2008 Primary Uses	
11.15.2010 Uses Permitted Under Prescribed Conditions	11.15.2004 Area Affected
11.15.2012 Conditional Uses	MCC .2002 through .2032 shall apply to those areas designated EFU on the Multnomah County Zoning Map.
11.15.2014 Accessory Uses	11.15.2005 Definitions
11.15.2016 Dimensional Requirements	As used in MCC .2002 through MCC .2032, unless otherwise noted, the following words and their derivations shall have the following meanings:
11.15.2017 Lot Line Adjustment	A. Campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
11.15.2018 Lot, Parcel and Tract Requirement	B. Commercial agricultural enterprise consists of farm operations that will: <ol style="list-style-type: none"> 1. Contribute in a substantial way to the area's existing agricultural economy; and 2. Help maintain agricultural processors and established farm markets.
11.15.2020 Exceptions to Lot Size for Specific Uses	When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and the method by which it is marketed shall be considered.
11.15.2026 Access	C. Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way.
11.15.2030 Expiration of Certain Single Family Dwelling Approvals for Applications Received Before August 7, 1993	D. Farm Operator means a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
11.15.2031 Dwelling	

Approval Validation

11.15.2032 Permit

Expiration of Applications

Received on or after August

7, 1993



E. **High-value farm land** means land in a tract composed predominately of soils that are:

1. Irrigated and classified prime, unique, Class I or Class II; or
2. Not irrigated and classified prime, unique, Class I or Class II; or
3. Willamette Valley Soils in Class III or IV including:
 - a. Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;
 - b. Subclassification IIIw specifically, Cornelius;
 - c. Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in *Soil Survey of Multnomah County*, published by the Soil Conservation Service, US Department of Agriculture, 1983.

The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to [ORS 215.710\(5\)](#).

- F. **Private School** means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.
- G. **Public School** means publicly owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.
- H. **Suitable for farm use** means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".
- I. **Tract** means one or more contiguous lots or parcels in the same ownership.

11.15.2006 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2008 through .2014.

11.15.2008 Primary Uses

- A. Farm use, as defined in [ORS 215.203](#).
- B. Buildings other than dwellings customarily provided in conjunction with farm use.
- C. The propagation or harvesting of forest products.

- D. Operations for the exploration for and production of geothermal resources as defined by [ORS 522.005](#) and oil and gas as defined by [ORS 520.005](#), including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under [ORS 197.732 \(1\)\(a\) or \(b\)](#).
- E. Operations for the exploration for minerals as defined by [ORS 517.750](#). Any activities or construction relating to such operations shall not be the basis for an exception under [ORS 197.732 \(1\)\(a\) or \(b\)](#).
- F. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- G. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result.
- H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- I. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within 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.
- J. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a historic property inventory as defined in [ORS 358.480](#) and listed on the National Register of Historic Places.
- K. Creation of, restoration of or enhancement of wetlands.
- L. Alteration, restoration or replacement of a lawfully established dwelling that has:
 - 1. Intact exterior walls and roof structure;
 - 2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3. Interior wiring for interior lights; and
 - 4. A heating system.

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 of the replacement dwelling.

- M. Replacement of an existing lawfully established single family dwelling on the same lot not more than 200 feet from the original building site when the dwelling was unintentionally destroyed by fire, other casualty or natural disaster. The dwelling may be reestablished only to its previous nature and extent, and the reestablishment shall meet all

other building, plumbing, sanitation and other codes, ordinances and permit requirements. A building permit must be obtained within one year from the date of the event that destroyed the dwelling.

- N. Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded:
 - 1. Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to [ORS 197.732](#) and [OAR 660, Division 4](#); and
 - 2. No new use may be authorized on high value farmland; and
 - 3. Must satisfy the requirements of MCC .6100 through MCC .6148, MCC .7025(A), MCC .7805 through MCC .7870 and MCC .7942.
 - 4. The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands

- O. Churches and cemeteries in conjunction with churches wholly within an EFU district may be maintained, enhanced or expanded:
 - 1. Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to [ORS 197.732](#) and [OAR 660, Division 4](#); and
 - 2. No new use may be authorized on high value farmland; and
 - 3. Must satisfy the requirements of MCC .6100 through MCC .6148, MCC .7025(A), MCC .7805 through MCC .7870 and MCC .7942.
 - 4. The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands

- P. Actions taken in response to an [emergency/disaster event](#) as defined in MCC 11.15.0010 pursuant to the provisions of [MCC 11.15.2282](#). *[Added 2000, Ord. 947 § 1]*

11.15.2010 Uses Permitted Under Prescribed Conditions

The following uses may be permitted when approved by the Planning Director. These decisions of the Planning Director may be appealed pursuant to MCC 11.15.8290 through 11.15.8295. The procedures and forms for obtaining approval of a Use Permitted Under Prescribed Conditions shall be as provided by the Planning Director.

- A. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height provided:
 - 1. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided; and

2. The facility satisfies the requirements of MCC .6100 through MCC .6148, MCC .7025(A), MCC .7805 through MCC .7870 and MCC .7942.
- B. Radio Towers 200 feet and under when found to satisfy the requirements of MCC .7035 through MCC .7040.
- C. A farm help dwelling for a relative on real property used for farm use if the dwelling is:
1. Located on the same lot or parcel as the dwelling of the farm operator; and is
 2. Occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, and whose assistance in the management of the farm use is or will be required by the farm operator.
- D. A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:
1. 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 (1994 dollars) 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\(1\)\(p\)](#) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection;

In determining the gross income required by subsection (a) of this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 2. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The parcel on which the dwelling will be located is at least 160 acres; and
 - b. The subject tract is currently employed for farm use, as defined in [ORS 215.203](#); and
 - c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 - d. Except as permitted in [ORS 215.283\(1\)\(p\)](#) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract; or

3. On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract [the median size of commercial farm and ranch tracts shall be determined pursuant to [OAR 660-33-135\(3\)](#)]; and
 - b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this section; and
 - c. The subject tract is currently employed for a farm use, as defined in [ORS 215.203](#), at a level capable of producing the annual gross sales required in subsection (b) of this section; and
 - d. The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and
 - e. Except as permitted in [ORS 215.283\(1\)\(p\)](#) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; or

4. On land not 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 in the last two years or three of the last five years the lower of the following:
 - i. At least \$40,000 ([1994 dollars](#)) in gross annual income from the sale of farm products; or
 - ii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the [1992 Census of Agriculture, Oregon](#); and
 - b. Except as permitted in [ORS 215.283\(1\)\(p\)](#) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection;

In determining the gross income required by subsection (a) of this subsection, the

cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

E. An accessory farm help dwelling, including a mobile or modular home customarily provided in conjunction with farm use if:

1. The accessory farm help dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
2. The accessory help dwelling shall be located:
 - a. On the same lot or parcel as the dwelling of the principal farm dwelling; or
 - b. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - c. On a lot or parcel on which the principal farm dwelling is not located, when:
 - i. The accessory farm dwelling is a manufactured dwelling; and
 - ii. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party.
 - d. An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved; and
3. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
4. The principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
 1. On land not identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in [ORS 215.203](#), and produced in the last two years or three of the last five years the lower of the following:
 - i. At least \$40,000 ([1994 dollars](#)) in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

- ii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the [1992 Census of Agriculture, Oregon](#). In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

2. On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in [ORS 215.203](#), and produced at least \$80,000 ([1994 dollars](#)) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of [MCC 11.15.2010\(C\)](#), a parcel may be created consistent with the minimum parcel size requirements in MCC [11.15.2016](#).

F. A single family heritage tract dwelling may be allowed on land not identified as high-value farmland when; *[Amended 1999, Ord. 932 § III]*

1. The lot or parcel meets the following requirements:

- a. A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and
- b. The lot or parcel satisfies all applicable laws when the lot or parcel was created; and
- c. The lot or parcel is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and

2. The tract on which the dwelling will be sited does not include a dwelling; and

3. The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, land use regulations, and other provisions of law; and

4. The lot or parcel on which the dwelling will be sited does not lie within an area designated by the Comprehensive Plan as a Big Game habitat area; and

5. The lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single parcel when the dwelling is allowed; and

6. The County Assessor shall be notified when the permit is approved.

7. Approval of the dwelling would not:

- a. Exceed the facilities and service capabilities of the area; and
- b. Materially alter the stability of the overall land use pattern of the area; and
- c. Create conditions or circumstances that are found to be contrary to the purpose or intent of the Comprehensive Plan or MCC 11.15.

8. For purposes of this subsection, and of dwellings considered under [MCC 11.15.2012 \(O\) and \(P\)](#), the following definitions apply;

- a. *Owner* includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
- b. *Date of Creation and Existence*. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

G. Seasonal farmworker housing as defined in [ORS 197.675](#) when found to meet the following requirements:

1. The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
2. The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and
3. The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in [ORS 215.203](#), and produced at least \$80,000 ([1994 dollars](#)) in gross annual income from the sale of farm products in the last two years or three of the last five years; and
4. The seasonal farmworker housing can only be occupied for 273 days per calendar year.

H. Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:

1. MCC .7230 (A) and (B); and
2. MCC .7942; and
3. MCC .7805 through MCC .7870; and

4. Dimensional standards:

- a. Area: Two acres.
- b. Width: Two hundred fifty feet.
- c. Depth: Two hundred fifty feet.
- d. Setback from all lot lines: One hundred feet.

I. Farm Stands when found that:

1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and
 2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
- J. On-site filming and activities accessory to on-site filming if the activity would involve no more than 45 days on any site within any one-year period or does not involve erection of sets that would remain in place for longer than any 45-day period. On-site filming and activities accessory to on-site filming may be considered to include office administrative functions such as payroll and scheduling, and the use of campers, truck trailers or similar temporary facilities.

Temporary facilities may be used as temporary housing for security personnel.

"On-site filming and activities accessory to on-site filming" includes: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming and production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming" does not include: facilities for marketing, editing and other such activities that are allowed only as a home occupation or construction of new structures that requires a building permit.

K. A winery, as described in [ORS 215.452](#).

L. 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. *[Added 2000, Ord. 947 § 1]*

11.15.2012 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC .7105 to .7135:

- A. Commercial activities that are in conjunction with a farm use.
- B. Operations conducted for:
 - 1. Mining and processing of geothermal resources as defined by [ORS 522.005](#) and oil and gas as defined by [ORS 520.005](#) not otherwise permitted under this section; and
 - 2. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to [ORS 215.298](#).
- C. Residential home as defined in [ORS 197.660](#), in existing dwellings.
- D. Private parks, playgrounds, hunting and fishing preserves, campgrounds and, parks, playgrounds or community centers owned and operated by a nonprofit community organization. Existing facilities wholly within an EFU district may be maintained, enhanced or expanded. New facilities may be allowed but not on high value lands. Campgrounds authorized by this provision shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- E. Parks, playgrounds or community centers owned and operated by a governmental agency.
- F. Type B home occupation as provided for in MCC 11.15.7455 and provided: *[Amended 1998, Ord. 900 § III]*
 - 1. That no sale of merchandise is made from the premise; and *[Renumbered 1998, Ord. 900 § III]*
 - 2. That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line. *[Renumbered 1998, Ord. 900 § III]*

A home occupation located on high-value farmland may employ only residents of the home.
- G. A facility for the primary processing of forest products, provided that such facility and is compatible with farm uses described in [ORS 215.203\(2\)](#). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature.

The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- H. 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. When the hardships end, the Planning Director shall require the removal of such manufactured homes. 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.
- I. Transmission towers over 200 feet in height subject to the requirements of MCC .7035 through MCC 7040.
- J. Dog kennels not described in section [MCC 11.15.2010\(H\)](#). Existing facilities wholly within an EFU district may be maintained, enhanced or expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.
- K. The propagation, cultivation, maintenance and harvesting of aquatic species.
- L. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- M. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- N. Parking of seven or fewer log trucks.
- O. A single family heritage tract dwelling may be allowed on land identified as high-value farmland when: (Note: MCC 11.15.7120 Conditional Use Approval Criteria does not apply) *[Amended 1999, Ord. 932 § III]*
1. The lot or parcel meets the requirements of [11.15.2010\(F\)\(1\) through 2010\(F\)\(8\)](#); and
 2. The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; and
 3. The dwelling will not:
 - a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or
 - b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

4. The dwelling will not materially alter the stability of the overall land use pattern of the area.
- P. A single family heritage tract dwelling may be allowed on land identified as high-value farmland when: *[Amended 1999, Ord. 932 § III]* (Note: 11.15.7120 Conditional Use Approval Criteria does not apply)
1. The lot or parcel meets the requirements of [11.15.2010\(F\)\(1\) through 2010\(F\)\(8\)](#); and
 2. The tract on which the dwelling will be sited is:
 - a. Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and
 - b. Less than twenty-one acres in size; and
 - c. Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
 - d. Is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.

11.15.2014 Accessory Uses

The uses or structures incidental and accessory to the uses permitted under [MCC .2008 through .2012](#) are:

- A. Structures such as garages, carports, studios, pergolas, private workshops, barns, loafing sheds, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;
- B. Structures or fenced runs for the shelter or confinement of poultry or livestock;
- C. Signs, pursuant to the provisions of MCC 11.15.7902 through .7982;
- D. Off-street parking and loading pursuant to MCC 11.15.6100 through .6148.
- E. Type A home occupation pursuant to the definition and restrictions of MCC 11.15.0010. Home occupations as defined by MCC 11.15.0010 do not allow the level of activity defined in [ORS 215.448](#). *[Added 1998, Ord. 900 § III]*

11.15.2016 Dimensional Requirements

- A. Except as provided in [MCC .2018](#), the minimum lot size shall be 80 acres in the EFU district.

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 Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet.

Minimum Front Lot Line Length - 50 feet.

D. The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by Ordinance.

E. Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

11.15.2017 Lot Line Adjustment

A. The Planning Director may approve an adjustment of the common lot line between contiguous legal lots 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 dimensional requirements of [MCC .2016\(A\) and \(C\)](#) are met; or
3. The reconfigured lot areas will each retain the same lot area that existed prior to the exchange.

The decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.

11.15.2018 Lot, Parcel and Tract Requirements

A. The Lot, Parcel and Tract requirement shall be applied to all uses in this district except for Single Family Heritage Tract Dwellings: [MCC 11.15.2010\(E\)](#), [MCC 11.15.2012\(O\)](#) or [MCC 11.15.2012\(P\)](#). For the purposes of this district, a lot, parcel or tract is defined as: *[Amended 1999, Ord. 932 § III]*

1. A lot or parcel of land:
 - a. For which a deed or other instrument creating the parcel was recorded with the Department of Environmental Services or its predecessors: and
 - b. Which satisfied all applicable laws, including but not limited to land

divisions and zoning ordinance, when the parcel was created; and

c. Which satisfies the minimum lot size requirements of [MCC .2016](#), or

2. A lot or parcel of land:

a. For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;

b. Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and

c. Does not meet the minimum lot size requirements of [MCC .2016](#); and

d. Which was not contiguous to another substandard parcel or parcels under the same ownership on or after February 20, 1990, or

3. A Tract of land:

a. For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

b. Which satisfied all applicable laws, including but not limited to land divisions and zoning ordinance, when the parcel was created; and

c. Which were held under the same ownership on or after February 20, 1990; and

d. Which individually do not meet the minimum lot or parcel size requirements of [MCC .2016](#), but, when considered in combination:

i. One legal lot or parcel shall comply nearly as possible with a minimum area of nineteen acres, without creating any new lot lines; or

ii. More than one legal lot or parcel, each property must comply with the minimum area of nineteen acres, without creating any new property line.

B. For the purposes of this subsection:

1. *Substandard Lot or Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of [MCC .2016](#); and

2. *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.

- C. A lot, parcel or tract which satisfies the applicable requirements of [MCC .2018](#) and front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

11.15.2020 Exceptions to Lot Size for Specific Uses

- A. Lots less than the minimum lot size specified in [MCC .2016\(A\)](#) may be created for uses listed in [MCC .2010\(A\)](#) and [MCC .2012\(E\)](#) based upon:
 - 1. The site size needs of the proposed use;
 - 2. The nature of the proposed use in relation to its impact on nearby properties; and
 - 3. Consideration of the purposes of this district.
- B. Except as otherwise provided by [MCC .2018](#), no sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

11.15.2026 Access

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

11.15.2030 Expiration of Certain Single Family Dwelling Approvals for Applications Received Before August 7, 1993 *[Added 1998, Ord. 903 § II; Deleted 1999, Ord. 935 § I]*

11.15.2031 Dwelling Approval Validation *[Added 1998, Ord. 903 § II; Deleted 1999, Ord. 935 § I]*

11.15.2032 Permit Expiration *[Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § I]*

All administrative and action proceedings involving discretionary decisions for which applications and fees have been collected after April 6, 1997, except land divisions and uses listed in [MCC .2012](#), shall expire two years from the date of the Planning Director's or Hearing's Officer's decision in the matter, or two years from the date of final resolution of subsequent appeals, unless: *[Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § I]*

- A. The project is completed as approved; or
- B. A building permit has been obtained and is continuing to be kept valid under the permit regulations of the applicable government
- C. The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:

1. Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.
 2. The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that: *[Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]*
 - a. Final Design Review approval has been granted under MCC .7845 on the total project, if applicable; and
 - b. At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).
 3. Notice of the Planning Director shall be mailed to all parties as defined in MCC .8225. *[Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]*
 4. The decision of the Planner Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295. *[Amended 1998, Ord. 903 § II; Amended 1999, Ord. 935 § 1]*
- D. Uses listed in [MCC .2012](#) shall expire two years from the date of the Board Order on the matter, or two years from the date of final resolution of subsequent appeals, unless one of the conditions of .7110(c) are met.

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3. The decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295;
- C. Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, subject to the following condition:
- The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority, pursuant to MCC .8290 and .8295.
- D. 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. *[Added 2000, Ord. 947 § 1]*

11.15.2132 Conditional Uses

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

- A. Community Service Uses pursuant to the provisions of MCC .7005 through .7041; *[Amended 1982, Ord. 330 § 2]*
- B. The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640:
 1. Operations conducted for the mining and processing of geothermal resources as defined by [ORS 522.005](#); or exploration, mining and processing of aggregate and other mineral or subsurface resources;
 2. Commercial processing of agricultural products primarily raised or grown in the region;
 3. Raising any type of fowl or processing the by-products thereof for sale at wholesale or retail;
 4. Feed lots;

5. Raising of four or more swine over four months of age;
 6. Raising of fur bearing animals for sale at wholesale or retail;
 7. Commercial dog kennels; and
 8. Commercial processing of forest products primarily grown in the region.
 9. Houseboats and Houseboat Moorages. *[Added 1983, Ord. 402 § 17]*
- C. The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II or III soils:
1. Planned developments for single-family residences, as provided in MCC .6200 through .6226;

[Amended 1990, Ord. 643 § 2]
 2. Pursuant to the provisions of MCC .7105 through .7640:
 - a. Cottage industries,
 - b. Limited rural service commercial uses such as local stores, shops, offices, repair services and similar uses, and
 - c. Tourist commercial uses such as restaurants, gas stations, motels, guest ranches and similar uses.
 - d.
- D. Type B home occupation as provided for in MCC 11.15.7455. *[Added 1998, Ord. 900 § III]*
- E. Large fills as provided for in MCC 11.15.7350. *[Added 1998, Ord. 922 § II]*

11.15.2134 Accessory Uses

- A. Signs, pursuant to the provisions of MCC 11.15.7902-.7982. *[Amended 1986, Ord. 543 § 2]*
- B. Off-street parking and loading;
- C. Type A home occupations pursuant to the definition and restrictions of MCC 11.15.0010; and *[Amended 1998, Ord. 900 § III]*
- D. Other structures or uses customarily accessory or incidental to any use

permitted or approved in this district; and

E. Family Day Care. *[Added 1990, Ord. 643 § 2]*

11.15.2136 Temporary Uses

When approved pursuant to MCC .8705 and .8710.

11.15.2138 Dimensional Requirements

- A. Except as provided in [MCC .2140](#), [.2142](#), [.2144](#) and .7629, the minimum lot size shall be 20 acres.
- B. That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- C. Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet.

Minimum Front Lot Line Length - 50 feet.

- D. The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- E. Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- F. *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]*

11.15.2140 Lots of Exception and Property Line Adjustments

- A. The Hearing Officer may grant an exception to permit the creation of a lot of less than 20 acres, after October 6, 1977, when in compliance with the requirements of [MCC .2138\(C\) to \(E\)](#). Any exception shall be based on findings that the proposal will: *[Amended 1999, Ord. 932 § III]*

1. Substantially maintain or support the character and stability of the

overall land use pattern of the area;

2. Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and the location or size of the tract;
 3. Be compatible with accepted farming or forestry practices on adjacent lands;
 4. Be consistent with the purposes described in [MCC .2122](#);
 5. Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
 6. Not require public services beyond those existing or programmed for the area.
- B. Except as provided in [MCC .2140\(D\)](#), no Lot of Exception shall be approved unless:
1. The Lot of Record to be divided exceeds the area requirements of [MCC .2138\(A\)](#), and
 2. The division will create no more than one lot which is less than the minimum area required in [MCC .2138\(A\)](#).
- C. The Hearings Officer may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in [MCC .2122](#). *[Amended 1999, Ord. 932 § III]*
- D. The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district; provided that the decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.
- E. Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the Planning Director 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; and

(2) One of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 20 acres prior to the adjustment and remains 20 acres or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 40 acres in area prior to the adjustment and remains less than 40 acres in area after the adjustment.

[Added 1999, Ord. 932 § IV]

11.15.2142 Lot of Record

- A. For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws.
- B. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- C. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.
- D. Except as otherwise provided by [MCC .2140](#), [.2144](#), .6256 and .7720, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

11.15.2144 Lot Sizes for Conditional Uses

- A. The minimum lot size for a Conditional Use permitted pursuant to [MCC .2132](#), except subpart [\(C\)\(1\)](#) thereof, shall be based upon:
- B. The site size needs of the proposed use;
- C. The nature of the proposed use in relation to its impact on nearby properties; and
- D. Consideration of the purposes of this district.

11.15.2146 Off-Street Parking and Loading

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

11.15.2148 Access

Any lot 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.

11.15.2150 *[Repealed 2000, Ord. 940 § V]*

pursuant to MCC .8290 and .8295.

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

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Director may be appealed to the Hearings Officer pursuant to MCC .8290 and .8295.

- D. 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. *[Added 2000, Ord. 947 § 1]*

11.15.2212 Conditional Uses

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

- A. Community Service Uses under the provisions of MCC .7005 through .7041. *[Amended 1982, Ord. 330 § 2]*
- B. The following Conditional Uses under the provisions of MCC .7105 through .7640:
1. Operations conducted for the mining and processing of geothermal resources as defined by [ORS 522.005](#) or exploration, mining and processing of aggregate and other mineral or subsurface resources;
 2. Commercial processing of agricultural products, primarily raised or grown in the region;
 3. Raising of any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;
 4. Feed lots;
 5. Raising of four or more swine more than four months of age;

6. Raising of fur-bearing animals for sale at wholesale or retail;
7. Commercial dog kennels;
8. Planned Developments for single family residences as provided in MCC .6200 through .6226; *[Amended 1990, Ord. 643 § 2]*
9. Cottage industries, under the provisions of MCC .7105 through .7640.
10. Limited rural service commercial uses, such as local stores, shops, offices, repair services and similar uses. *[Added 1986, Ord.525 § 2]*

(C) Type B home occupation as provided for in MCC 11.15.7455. *[Added 1998, Ord. 900 § III]*

(D) Large fills as provided for in MCC 11.15.7350.*[Added 1998, Ord. 922 § II]*

11.15.2214 Accessory Uses

- A. Signs, pursuant to the provisions of MCC 11.15.7902-.7982. *[Amended 1986, Ord. 543 § 2]*
- B. Off-street parking and loading;
- C. Type A home occupations pursuant to the definition and restrictions of MCC 11.15.0010; and *[Amended 1998, Ord. 900 § III]*
- D. Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and
- E. Family Day Care. *[Added 1990, Ord. 643 § 2]*

11.15.2216 Temporary Uses

When approved pursuant to MCC .8705 and .8710.

11.15.2218 Dimensional Requirements

- A. Except as provided in [MCC .2220](#), [.2222](#), [.2224](#) and .7720, the minimum lot size shall be five acres.
- B. That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- C. Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet.

Minimum Front Lot Line Length - 50 feet.

[Amended 1984, Ord. 428 § 2]

- D. The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.
- E. Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- F. *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]*

11.15.2220 Lots of Exception and Property Line Adjustments

- A. The Hearings Officer may grant an exception to permit creation of a lot of less than five acres, after October 6, 1977, when in compliance with the dimensional requirements of [MCC .2218\(C\) through \(E\)](#). Any exception shall be based on findings that the proposal will:
 1. Substantially maintain or support the character and stability of the overall land use pattern of the area;
 2. Be situated upon land generally unsuitable for the production of farm crops and livestock or for forest use, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, and the location or size of the tract;
 3. Be compatible with accepted farming or forestry practices on adjacent lands;
 4. Be consistent with the purposes described in [MCC .2202](#);
 5. Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
 6. Not require public services beyond those existing or programmed for

the area.

B. Except as provided in [MCC .2220\(D\)](#), no Lot of Exception shall be approved unless:

1. The Lot of Record to be divided exceeds the area requirements of [MCC .2218\(A\)](#), and

2. The division will create no more than one lot which is less than the minimum area required in [MCC .2218\(A\)](#).

C. The Hearings Officer may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in [MCC .2202](#).

D. The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district; provided that the decision of the Director may be appealed to the Hearings Officer pursuant to MCC .8290 and .8295.

E. Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the Planning Director 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 pro-posal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; and

(2) One of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 5 acres prior to the adjustment and remains 5 acres or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 10 acres in area prior to the adjustment and remains less than 10 acres in area after the adjustment.

[Added 1999, Ord. 932 § IV]

11.15.2222 Lot of Record

A. For the purposes of this district, a Lot of Record is a parcel of land:

1. For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and
 2. Which, when established, satisfied all applicable laws.
- B. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- C. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.
- D. Except as otherwise provided by [MCC .2220](#), [.2224](#), and [.7720](#), no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

11.15.2224 Lot Sizes for Conditional Uses

The minimum lot size for a conditional use permitted pursuant to [MCC .2212](#), except [\(B\)\(8\)](#) thereof, shall be based upon:

- A. The site size needs of the proposed use;
- B. The nature of the proposed use in relation to the impacts on nearby properties; and
- C. Consideration of the purposes of this district.

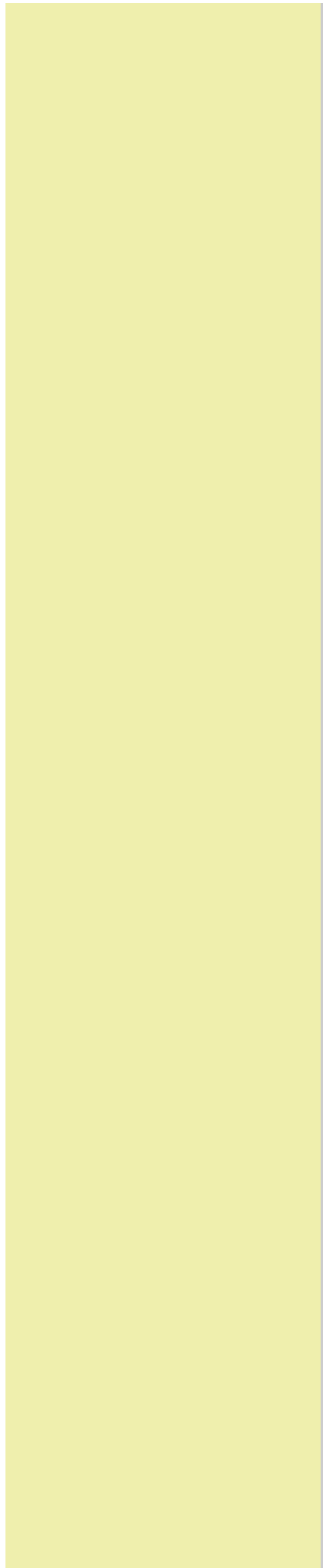
11.15.2226 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by [MCC .6110](#) through [.6148](#).

11.15.2228 Access

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

11.15.2230 *[Repealed 2000, Ord. 940 § V]*



3. The decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.

C. Wholesale or retails sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand, or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.

D. 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. *[Added 2000, Ord. 947 § 1]*

11.15.2252 Conditional Uses

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

A. Community Service Uses pursuant to the provisions of MCC .7005 through .7041. *[Amended 1982, Ord. 330 § 2]*

B. The following Conditional Uses pursuant to the provisions of MCC .7105 through .7640:

1. Limited rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses;
2. Tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, and similar uses;
3. The Light Manufacturing Uses of MCC .5120 which require the daily employment of twenty or fewer persons; and *[Amended 1985, Ord. 452 § 2]*
4. Commercial processing of agricultural or forestry products primarily grown in the vicinity. *[Amended 1985, Ord. 452 § 2]*

- C. Planned Developments pursuant to the provisions of MCC .6200 through .6226.*[Amended 1990, Ord. 643 § 2]*
- D. Existing light industrial uses permitted by [MCC .2252\(B\)\(3\)](#) may be expanded up to a daily total of 40 employees, based on findings that:
1. The proposed expansion is a result of normal growth of the existing use and not required as a result of diversification of the business;
 2. The use provides a public benefit to the rural center by employing primarily persons who reside within the rural center or surrounding rural area, and this same employment pattern will continue with the proposed expansion;
 3. The proposed expansion satisfies the applicable elements of Comprehensive Framework Plan Policies:
 - a. [No. 20 – Arrangement of Land Uses](#);
 - b. [No.30 – Industrial Location](#) (Isolated Light Industrial);
 - c. [No. 36 – Transportation System Development Requirements](#);
 - d. [No. 37 – Utilities](#); and
 - e. [No. 38 – Facilities](#).
 4. The proposed expansion satisfies the Design Review provisions of MCC .7805 through .7865.

[Added 1985, Ord. 452 §2]

- E. Type B home occupation as provided for in MCC 11.15.7455. *[Added 1998, Ord. 900 § III]*
- F. Large fills as provided for in MCC 11.15.7350. *[Added 1998, Ord. 900 § III]*

11.15.2254 Accessory Uses

- A. Signs pursuant to the provisions of MCC 11.15.7902-.7982; *[Amended 1986, Ord. 543 § 2]*
- B. Off-street parking and loading;
- C. Type A home occupations pursuant to the definition and restrictions of MCC

11.15.0010; and *[Amended 1998, Ord. 900 § III]*

- D. Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and
- E. Family Day Care.

11.15.2256 Temporary Uses

Temporary uses may be permitted under MCC .8705 and .8710.

11.15.2258 Dimensional Requirements

- A. Except as provided in [MCC .2260](#), [.2262](#), [.2264](#) and .7720, the minimum lot size shall be one acre.
- B. That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- C. Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet.

Minimum Front Lot Line Length - 50 feet.

[Amended 1984, Ord. 428 § 2]

- D. The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- E. Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- F. *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]*

11.15.2260 Lots of Exception and Property Line Adjustments

- A. The Hearings Officer may grant an exception to permit creation of a lot of

less than one acre, after October 6, 1977, when in compliance with the dimensional requirements of [MCC .2258\(C\)](#) and [\(E\)](#). Any exception shall be based on findings that the proposal will:

1. Substantially maintain or support the character and stability of the overall land use pattern of the area;
 2. Be situated upon land generally unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and the location or size of the tract;
 3. Be compatible with accepted farming or forestry practices on adjacent lands;
 4. Be consistent with the purposes described in [MCC .2242](#);
 5. Satisfy the applicable standards of water supply, sewage disposal and minimum access; and
 6. Not require public services beyond those existing or programmed for the area.
- B. Except as provided in [MCC .2260\(D\)](#), no Lot of Exception shall be approved unless:
1. The Lot of Record to be divided exceeds the area requirements of [MCC .2258\(A\)](#); and
 2. The division will create no more than one lot which is less than the minimum area required in [MCC .2258\(A\)](#).
- C. The Hearings Officer may attach conditions to the approval of any Lot of Exception to insure that the use is consistent with the Comprehensive Plan and the purposes described in [MCC .2242](#).
- D. The Planning Director may grant a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district; provided that the decision of the Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.
- E. Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the Planning Director 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; and
2. 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.

[Added 1999, Ord. 932 § IV]

11.15.2262 Lot of Record

- A. For the purposes of this district, a Lot of Record is a parcel of land:
 1. For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form, prior to October 6, 1977; and
 2. Which, when established, satisfied all applicable laws.
- B. A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- C. Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.
- D. Except as otherwise provided by [MCC .2260](#), [.2264](#), and [.7720](#), no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot of less than the area or width requirements of this district.

11.15.2264 Lot Sizes for Conditional Uses

The minimum lot size for a Conditional Use permitted pursuant to [MCC .2252](#), except subpart [\(C\)](#) thereof, shall be based upon:

- A. The site size needs of the proposed use;

B. The nature of the proposed use in relation to its impact on nearby properties;
and

C. Consideration of the purposes of this district.

11.15.2266 Off-Street Parking and Loading

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

11.15.2268 Access

Any lot 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.

11.15.2270 *[Repealed 2000, Ord. 940 § V]*

considered and determined to not be possible without further jeopardizing life or property.

B. Notification Requirements

1. Actions taken in response to an [emergency/disaster event](#), as defined in MCC .0010, are allowed in all land use designations, subject to the following notification requirements.
 - a. Notification of an [emergency/disaster response activity](#) shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.
 - b. Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.
 - c. At a minimum, the following information shall be required at the time of notification:
 - i. Nature of emergency/disaster event.
 - ii. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).
 - iii. Location of emergency/disaster response activities.
 - iv. Estimated start and duration of emergency/disaster response activities.
 - v. Contact person and phone number for the parties conducting emergency/disaster response actions.
 - d. Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.
2. Upon notification of an emergency/disaster response action, the Planning Director shall, as soon as possible:

- a. Review their natural resource inventory data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites, and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;
 - b. Notify applicable agencies of all emergency/disaster response activities.
3. Upon response from applicable agencies, the applicant shall take necessary measures based on the recommendations of the applicable agencies to minimize impacts to resources from emergency/disaster response actions. If the recommendations of the applicable agencies conflict with those of the County or other jurisdictions, the recommendations of the County shall prevail for the purposes of this section.

C. Post-Emergency/Disaster Response Application Requirements

1. Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and no more than two (2) extensions shall be granted.
2. Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.
3. Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500' of a known cultural resource (as determined in the notification process).
4. Applications shall include the following information:
 - a. Applicant's name and address.
 - b. Location of emergency/disaster response.

- c. A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.
- d. A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:
 - i. North arrow and scale.
 - ii. Boundaries, dimensions and size of subject parcel(s).
 - iii. Topography at a contour interval sufficient to describe the terrain of the project site.
 - iv. Bodies of water, watercourses, and significant landforms.
 - v. Existing roads and structures.
 - vi. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.
- e. An exception to the scale requirements of subsection (4)(d) may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

D. Post-Emergency/Disaster Response Site Review

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of a Type II decision and in compliance with the approval criteria of this section.

E. Post-Emergency/Disaster Response Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

1. Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

2. Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension of up to one year.
3. Spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall either be:
 - a. Removed from Multnomah County or deposited at a site within the Multnomah County where such deposition is, or can be, allowed, or
 - b. Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.
4. If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall immediately cease work and contact the Planning Director and the [State Historic Preservation Office](#) (SHPO).
5. To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.
6. Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be maintained to the maximum extent practicable.
 - a. Wetlands, Streams, Ponds, Lakes, Riparian Areas
 - i. When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:
 - A. All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes, or riparian areas.
 - B. Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.
 - ii. Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their

buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

- iii. If the Planning Director determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision.
- iv. Unless addressed through (iv) above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the following:
 - A. Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.
 - B. Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.
 - C. The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

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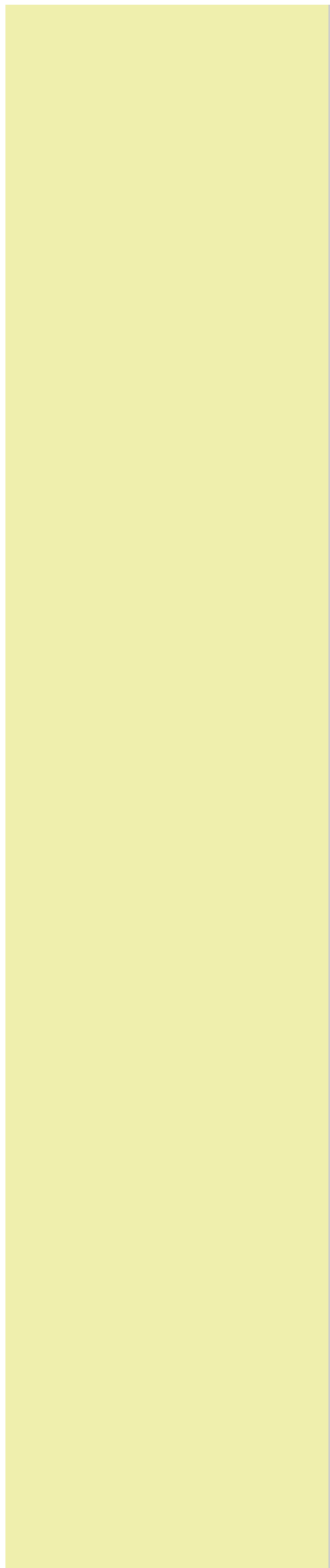
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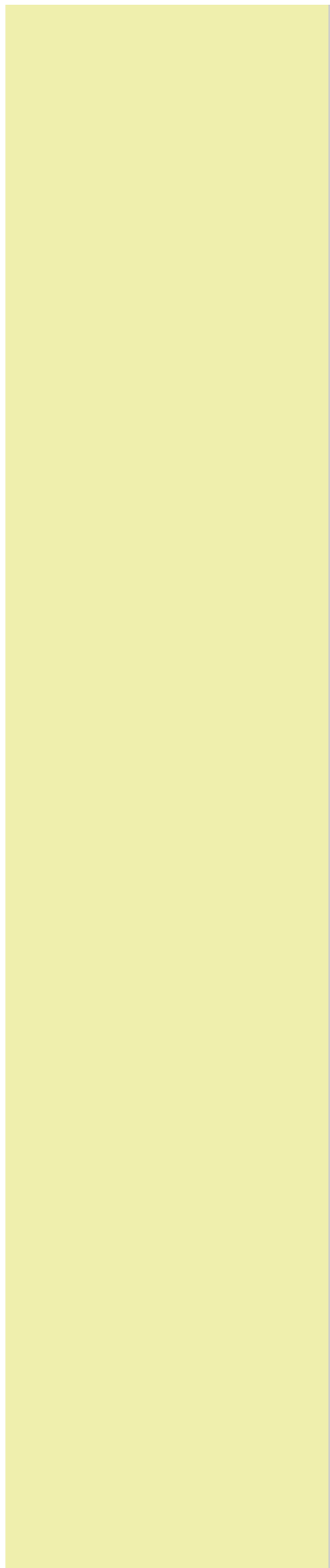
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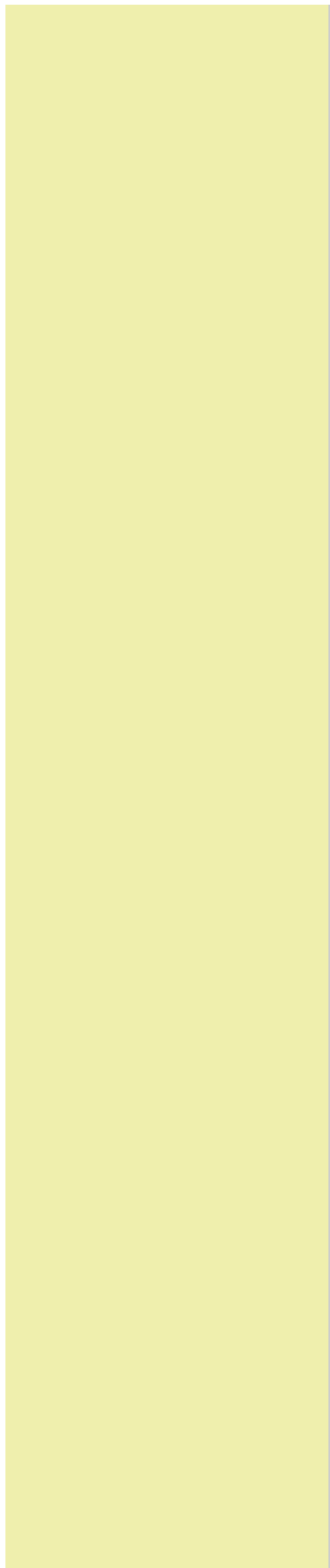
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reference to the related Special Area Plan or Comprehensive Plan revision which the subdistrict is designed to implement or to the special problems or circumstances which the subdistrict is designed to address;

5. A description of the relationships between the provisions of the SPA subdistrict and those of the underlying district;
6. A listing of the SPA subdistrict uses authorized as Permitted Uses, Uses Under Prescribed Conditions, or Conditional Uses, as appropriate;
7. A description of any approval procedure or criteria required to satisfy the subdistrict provisions;
8. Any development standards or dimensional requirements for authorized uses in the subdistrict;
9. A description of the nature of and approval procedures for any exceptions from subdistrict requirements;
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- H. To clarify that at the time of adoption of this ordinance, Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules.

11.15.7355 Excluded Areas

Large fills shall not be allowed in:

- A. Areas designated SEC-s;
- B. Other stream areas protected by other local, state and federal agencies;
- C. Jurisdictional wetlands which have not received fill permits from The Army Corp of Engineers and Division of State Lands; or
- D. 100 year floodplains.

11.15.7360 Application Information Required

An application for a large fill site shall include the following:

- A. A scaled site plan showing the subject property and all uses, roads, parcels, structures and water features within 1,500 feet of the fill area, when such information can be gathered without trespass;
- B. A contour map at 5' intervals showing both existing and proposed contours with datum ;
- C. A geotechnical report for the entire fill area. The report shall include but not be limited to:
 - 1. methods of site preparation;
 - 2. specific fill methods to be used including techniques such as benching and terracing;
 - 3. compaction methods;
 - 4. drainage analysis showing pre and post development runoff conditions
 - 5. underground drainage systems utilized for fill compaction shall have a hydraulic analysis to determine the amount of water to be accommodated;
 - 6. known landslides and other geologically unstable areas within 1,500 feet surrounding the fill area; and

7. an erosion control plan for year round protection of the fill site from erosion. The plan should include erosion control measures for:
 - a. Winter stabilization
 - b. rainy season operations in spring & fall
 - c. summer operations
 - d. timelines for the various phases.

D. Written findings demonstrating how the proposal complies with MCC 11.15.7365.

E. A copy of the deed(s) to all parcels on which the fill site will be located.

F. A written description of the project including specific timelines for all phases and proposed hours of operation.

G. Application materials required to comply with MCC 11.15.6720, .6725 and .6730.

H. A reclamation plan submitted by a licensed landscape architect demonstrating that reclaimed surfaces conform with the natural landforms of the surrounding terrain.

11.15.7365 Criteria for Approval

The approval authority shall find that:

A. The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the fill operation.

B. The applicant has shown that the following standards can or will be met by a specified date:

1. Access and traffic.

- a. Prior to any filling activity, all on-site roads used in the fill operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them.

- b. All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way.

- c. No material shall be tracked or discharged in any manner onto any public right-of-way.

- d. The applicant shall submit a traffic management plan that identifies impacts to existing County infrastructure and an assessment as to the ability of the existing infrastructure to withstand increased traffic loading and usage. The County Engineer shall review the submitted plan and shall certify, based on findings relating to the *Multnomah County Rules for Street Standards*, that the road(s) identified in the plan:
 - i. Are suitable for all additional traffic created by the fill operation for the duration of the activity, or
 - ii. If the roads are unsuitable for all additional traffic created by the fill operation for the duration of the activity that:
 1. The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the *Multnomah County Rules for Street Standards*, and
 2. A program has been developed for the number and weight of trucks that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.
- e. Truck movements related to the dumping of materials shall occur entirely on-site and not utilize the public right-of-way or private easements.
- f. Proposals in proximity to state highway facilities need to be reviewed by the Oregon Department of Transportation.

2. Buffer requirements.

- a. All existing vegetation and topographic features which would provide screening and which are within 100 feet of the proposed area of fill shall be preserved. The applicant shall demonstrate that the existing screening is sufficient to ensure the project site will not noticeably contrast with the surrounding landscape, as viewed from an identified viewing areas, neighboring properties, or accessways, or;
- b. If existing vegetation and topography is insufficient to obscure the site from neighboring properties, accessways or identified key viewing areas, the applicant shall propose methods of screening and indicate them on a site plan. Examples of screening methods include landscape berms, hedges, trees, walls, fences or similar

features. All required screening shall be in place prior to commencement of the fill activities.

c. The Approval Authority may grant exceptions to the screening requirements if:

- i. The proposed fill area, including truck line-up area and fill areas are not visible from any neighboring properties, key viewing areas and accessways identified in (b) above, or
- ii. Screening will be ineffective because of the topographic location of the site with respect to surrounding properties.

3. Signing.

One directional sign for each point of access to each differently named improved street may be allowed for any operation. Signing shall be specified and controlled by the standards of MCC 11.15.7974.

4. Timing of Operation

- a. Hours of operation shall be specified on each application. At a maximum operating hours shall be allowed from 7:00 am to 6:00 pm. Large fills shall not operate on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.
- b. The placement of fill materials shall not occur from October 1st - May 1st.

5. Air, water, and noise quality.

- a. The applicant shall obtain and comply with the standards of all applicable permits from the Department of Environmental Quality. Copies of all required permits shall be provided to Multnomah County prior to beginning filling. If no permits are required, the application shall provide written conformation of that from the Department of Environmental Quality.
- b. Sound generated by an operation shall comply with the noise control standards of the Department of Environmental Quality. Compliance with the standards may be demonstrated by the report of a certified engineer.

6. Minimum Setbacks.

- a. For filling activities the minimum setback shall be 100 feet to a property line, or if

multiple parcels, to the outermost property line of the site.

- b. For access roads and residences located on the same parcel as the filling or processing activity, setbacks shall be as required by the underlying district.

7. Reclaimed Topography.

All final reclaimed surfaces shall be stabilized by ground control methods as specified by the landscape architect. Reclaimed surfaces shall conform with the natural landforms of the surrounding terrain.

8. Safety and security.

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass and minimize injury in the event of trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazards .

9. Phasing program.

Each phase of the operation shall be reclaimed within the time frame specified in subsection (11) or as modified in the decision.

10. Timeline

Timelines for Large fill Conditional Use Permits shall conform with the 2-year period pursuant to MCC 11.15.7110(C), unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to MCC 11.15.8240 (E).

If completion of a large fill project extends beyond 2 years pursuant to MCC 11.15.7110 (C), the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

- a. The amount of fill added to the site since the start of the fill or the last engineering report and stability measures used and planned for the new fill.
- b. Future fill locations within the approved site and stability measures planned both within and outside the fill site.

- c. incidents of landslide or other instability within and outside the fill site, clean-up efforts for these incidents, and measures used and planned to prevent future incidents.

11. Reclamation Schedule.

- a. Reclamation shall begin within twelve (12) months after fill activity ceases on any segment of the project area. Reclamation shall be completed within three (3) years after all filling ceases, except where the Approval Authority finds that these time standards cannot be met.
- b. The owner shall provide an acceptable guarantee of financial surety to the County prior to beginning work. The applicant shall provide an estimate of the cost to implement the approved plan. Estimated costs shall be based upon the current local construction costs. The financial guarantee shall be 150 percent of the estimated cost to complete the plan. The financial guarantee may be reduced to 125 percent of the cost in cases where the property owner has a written contract with a contractor to guarantee completion of the work which has been reviewed and approved by the County. All such contracts are subject to review by the County. Prior to release of the financial guarantee, the applicant shall submit a report from a licensed professional engineer whose main area of expertise is geotechnical engineering to the County, approving the construction and reclamation and certifying its completion.

11.15.7370 Monitoring

The Planning Director shall periodically monitor all fill operations. The dates and frequency of monitoring shall be determined by the Approval Authority based upon the number and type of surrounding land uses and the nature of the fill operation. If the Director determines that a fill operation is not in compliance with the approval, enforcement proceedings pursuant to MCC 11.15.9052 or as deemed appropriate by the Multnomah County Counsel shall be instituted to require compliance.

For multiple year projects, prior to commencement of material placement in the spring, an engineers report shall be submitted detailing the condition of the fill after the rainy season. The report shall include any remediation needed and any necessary modifications to fill placement due to failure, slumpage, slides, etc.

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11.15.7420 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of [MCC .7115](#), the approval authority:

- A. Shall specify the location and size of the storage area;
- B. Shall require the enclosure of the storage area within a sight-obscuring fence and that stored items be maintained in a manner so as not to be visible above the top of the fence; and
- C. May require some or all of the stored items to be contained within a completely enclosed building or under a roofed structure of a size, location and design which is compatible with other permitted structures in the vicinity.

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water and sewer.

11.15.7510 Density

The maximum density of houseboats shall not exceed one for each 50 feet of waterfront frontage. The Hearings Officer in approving a houseboat moorage may reduce the density below the maximum allowed upon finding that:

- A. Development at the maximum density would place an undue burden on school, fire protection, water, police, road, basic utility or any other applicable service.
- B. Development at the maximum density would endanger an ecologically fragile natural resource or scenic area.

11.15.7515 *[Deleted 1986, Ord. 543 § 2]*

11.15.7520 Parking

- A. Two automobile spaces shall be provided for each houseboat.
- B. The parking area and all ingress and egress thereto shall be constructed two feet above the elevation of the 100 year flood boundary, and under the provision of MCC .6100 through .6148.

11.15.7525 Other Requirements

- A. All ramps, walkways and moorage spaces shall be designed, constructed and maintained to provide maximum safety in all weather conditions.
- B. Lighting adequate to provide for the safety of residents and visitors shall be provided throughout a houseboat moorage.
- C. Siting and design of all pickup and delivery facilities shall insure maximum convenience with minimum adverse visual impacts.

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K. Perform such other functions as may be assigned by the Board.

11.15.8010 Enforcement

The Director of the Department of Environmental Services and the Director's delegates shall be responsible for securing the enforcement of the provision of this Ordinance.

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- A. A recommendation to approve an amendment shall be by majority vote of the entire Planning Commission. A recommendation, together with relevant information, shall be referred after approval by the Planning Commission to the Board.
- B. Amendments initiated by the Board or the Planning Director shall be referred to the Planning Commission for report and recommendation. If no report and recommendation is made by the Planning Commission within 45 days after referral and no extension granted by the Board, the Board may deem the proposal approved by the Planning Commission and may proceed to act upon the same.

11.15.8420 Board Procedure and Notice

- A. The Board shall conduct a hearing and take action on an amendment in accordance with the County Charter and Rules of the Board.
- B. The Board shall give notice of the hearing as required by law, County Charter and [MCC .8410\(B\)](#).

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- F. A change in ownership or occupancy of a nonconforming use is permitted.

11.15.8805 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

- A. After verification of the status of a nonconforming use pursuant to the applicable provisions of [MCC .8815](#), the Planning Director may authorize restoration or replacement of that nonconforming use based on findings that:
 - 1. The restoration or replacement is made necessary by fire, other casualty or natural disaster, and
 - 2. The restoration or replacement must be commenced within one year from the date of occurrence of the fire, casualty or natural disaster.
- B. Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster shall:
 - 1. Provide notice as required by [MCC .8220](#),
 - 2. Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by [MCC .8225](#) files a Notice of Appeal with the Planning Director pursuant to [MCC .8290\(B\) and \(C\)](#). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

11.15.8810 Alteration, Expansion or Replacement of Nonconforming Uses

- A. Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.
- B. After verification of the status of a nonconforming use pursuant to the applicable provisions of [MCC .8815](#), the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:
 - 1. The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or
 - 2. The alteration is necessary to maintain in good repair the existing structures associated

with the nonconformity.

C. After verification of the status of a nonconforming use pursuant to the applicable provisions of [MCC .8815](#), the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider all of the criteria listed below. Adverse impacts to one of the criterion may, but shall not automatically, constitute greater adverse impact on the neighborhood.

1. The character and history of the use and of development in the surrounding area;
2. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood;
3. The comparative numbers and kinds of vehicular trips to the site;
4. The comparative amount and nature of outside storage, loading and parking;
5. The comparative visual appearance;
6. The comparative hours of operation;
7. The comparative effect on existing flora;
8. The comparative effect on water drainage or quality; and
9. Other factors which impact the character or needs of the neighborhood.

D. Any decision on alteration, expansion or replacement of a nonconforming use shall:

1. Provide notice as required by [MCC .8220](#),
2. Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by [MCC .8225](#) files a Notice of Appeal with the Planning Director, pursuant to [MCC .8290\(B\) and \(C\)](#). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

11.15.8815 Verification of Nonconforming Use Status

- A. The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:
1. Was legally established and operating at the time of enactment or amendment of this Zoning Code, and
 2. Has not been abandoned or interrupted for a continuous two year period.
- B. The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:
1. Description of the use;
 2. The types and quantities of goods or services provided and activities conducted;
 3. The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;
 4. The number, location and size of physical improvements associated with the use;
 5. The amount of land devoted to the use; and
 6. Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.
 7. A reduction of scope or intensity of any part of the use as determined under [MCC .8815 \(B\)](#) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.
- C. In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such

compliance.

- D. Except for nonconforming uses considered under [MCC .8810\(B\)](#), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.
- E. Any decision on verification of nonconforming use status shall:
1. Provide notice as required by [MCC .8220](#),
 2. Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by [MCC .8225](#) files a Notice of Appeal with the Department, pursuant to [MCC .8290\(B\) and \(C\)](#). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.
- F. An applicant may prove the existence, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application.
- G. For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately proceeding the date of application.

[Amended 1990, Ord. 643 § 2; Repealed and Replaced 2000, Ord. 940 § III]

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Administrative Actions. The following matters decided by the Planning Director as provided in this subchapter:

A. Health hardship permit

Health hardship permit renewal

B. Land Use permit

C. Non-hearing variance

D. Use Under Prescribed Conditions

E. Administrative Exceptions and Lots of Exception

F. Administrative decision by Planning Director

G. Willamette River Greenway Permit

H. Significant Environmental Concern Permit

I. Administrative modification of conditions established in prior contested cases

J. Hillside Development Permit

K. Type B Home Occupation

L. Columbia River Gorge National Scenic Area Site Review

M. Temporary Permit

N. Design Review

Miscellaneous Charges

A. Notice Sign

B. Notice of Review or Appeal

C. Records and reports

D. Pre-Initiation Conference

E. Rescheduled Hearing

F. Design Review

11.15.9030 Rescheduling of Hearing

In the case of any hearing required under this Ordinance which must be rescheduled at the request of, or due to the neglect of the applicant, a rescheduling fee will be assessed against the applicant. Said fee may be waived in whole or part by the Director of the Department of Environmental Services if the Director determines that the necessity for the requested rescheduling was unavoidable or that the applicant proceeded with all possible diligence to give adequate advance notice of the request for rescheduling. *[Amended 1991, Ord. 688 § 3; and 2000 Ord. 944, § 16]*

11.15.9035 Fractions of an Acre

For fees based upon acreage calculations, any fraction of an acre up to and including one-half, shall be disregarded; fractions over one-half shall be rounded to the next highest acre.

11.15.9040 Application of Fee Schedule

Fees adopted by Board resolution will apply to all actions specified herein, regardless of applicant, unless waived by the Board of County Commissioners. *[Amended 2000, Ord. 944 § 17]*

(a) The owner, title holder, contract seller, contract buyer, possessor or user of the land upon which the violation is occurring; or, the person taking the action, or responsible for the conduct or omission which constitutes a violation of any County Ordinance; and
[Amended and Renumbered 1998, Ord. 908 § III]

(b) The United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof. For the purposes of this ordinance, "person" also includes those residing in or conducting business or activities in the unincorporated areas of Multnomah County. *[Amended and Renumbered 1998, Ord. 908 § III]*

(5) "Decision of Appeal": The decision of the Planning Director in the appeal of the Notice of Violation. A Decision of Appeal does not constitute a land use decision under ORS Ch. 197.

(6) "Grace Period": Time allotted to a person by the Code Enforcement Planner to correct a violation without assessment of additional penalties, or legal action being taken for the cited violation during that assigned time period. A Grace Period begins from the date the written Notice of Violation is mailed or given. Unless otherwise specified by the Code Enforcement Planner, the grace period for a Notice of Violation shall be 30 days and the grace period for a stop work order shall be 15 days. If notice is mailed, the grace period shall be extended by an additional three days. A grace period for a noticed violation does not grant a property owner the right to continue a use for the time period specified or prevent inspection or citation of new or other land use violations.

[Amended 1998, Ord. 908 § III]

(B) Compliance Required

No application for use or development of land shall be approved for a site which is subject to an enforcement action pursuant to the provisions of this section. A permit for the use or development of land may only be issued if it is necessary to correct the land use violation contained in the Notice of Violation. *[Amended 1998, Ord. 908 § III]*

(C) Code Enforcement Planner

The Planning Director shall appoint one or more persons to act as the code enforcement planner(s) for purposes of issuing Notices of Violation, and for the enforcement of MCC 11.15, MCC 11.45, MCC 9.10 and MCC 9.40 or the terms and conditions of any permit issued under those code provisions.
[Amended 1998, Ord. 908 § III]

(D) Enforcement Action

1. An enforcement action may be initiated by the Code Enforcement Planner(s) on their own action, when the Division of Transportation and Land Use Planning receives a complaint, known or anonymous or receives a directive from the Board of County Commissioners. All complaints are confidential, until such time as the violation is closed.
2. If the Code Enforcement Planner determines the existence of a violation, the Code Enforcement Planner shall provide a written Notice of Violation to the person(s) suspected of committing a violation and the property owner if different. The notice shall:
 - a. Outline the nature of the violation(s), including cites to the applicable county code sections, and set forth options to correct the violation(s);
 - b. Notify the property owner and the operator/tenant that failure to comply with the Ordinance within the grace period will result in enforcement under MCC 11.15.9052(D) (3) and that a penalty of up to \$500.00 per day may be assessed per MCC 11.15.9053; and
 - c. Notify the property owner and the operator/tenant of the right to appeal the determination of a land use violation and the time limits established by this section.
3. If the person(s) notified fails to correct the violation within the grace period, the Code Enforcement Planner may impose a penalty in accordance with MCC 11.15.9053. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notification of the property owner and operator/tenant of the issuance of the penalty.
4. A person who receives a notice of violation may file a written appeal of the Notice of Violation with the Land Use Planning section to the Planning Director within the grace period as stipulated in the Notice of Violation. The following procedures apply to the appeal of the Planning Director:
 - a. The appellant has 45 days from the date of filing the written appeal to provide written documentation to the Planning Director in support of the appeal;
 - b. All enforcement actions, except for emergency actions taken under MCC .9052(E), shall be stayed until the Planning Director decides the appeal. In the event that the Planning Director finds in the favor of the appellant, the Notice of Violation will be rescinded.
 - c. Upon filing of an appeal by the property owner, written notice and opportunity to comment on the appeal of the Notice of Violation shall be provided to the complainant, if known, and the surrounding property owners within:
 - i. 100 feet of the subject property when inside the Urban Growth Boundary; or

- ii. 250 feet of the subject property where the subject property is outside the Urban Growth Boundary and not within a farm or forest resource zone; or
 - iii. 500 feet of the subject property where the subject property is within a farm or forest resource zone.
 - d. The Planning Director shall consider any other written testimony submitted in support of and in opposition to the Notice of Violation;
 - e. The Planning Director shall review all written evidence and determine by a preponderance of the evidence whether a violation has occurred;
 - f. After review of the written testimony, the Planning Director shall serve the appellant and anyone who submitted evidence with a Decision of Appeal;
 - g. If the Notice of Violation is upheld, penalties as provided in MCC.9053 shall be assessed by the Planning Director;
 - h. The Planning Director may delay additional penalties at the time of the Decision of Appeal by specifying an additional grace period to allow the property owner to remove the violation from the property. If an additional grace period is granted, it shall not be less than five days; and
 - i. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying of the property owner and violator of the issuance of the penalty.
5. If the property owner chooses to correct the violation by applying for a required permit, penalties shall accrue during the application process time period as provided in MCC .9053.
- a. Penalties assessed from the date of application, not including any Pre-Initiation Conference, for a required permit to completion of the project, including final inspection, may be waived by the Planning Director provided the property owner completes the application process within 180 days of filing and complies with all timelines established as conditions of approval of the project and if no additional violations occur during the completion of the conditions of approval.
 - b. Timelines for compliance with the land use permit shall be included as a condition of approval of the land use permit and, if possible, shall not extend past a single construction season.

[Amended 1998, Ord. 908 § III]

(E) Emergency Enforcement

1. If the Code Enforcement Planner determines, as a result of a site visit by the Code Enforcement Planner or Code Enforcement Inspector, that the violation is such that irreparable harm will result, will be difficult to correct if allowed to continue, or presents an immediate health and safety danger, the Code Enforcement Planner may, without notice, issue a Stop Work Order which shall also serve as the Notice of Violation.
2. The Stop Work Order shall require the property owner to immediately discontinue the use and shall impose a fine as provided in MCC .9053 pursuant to which the property owner must cease all uses listed in the Stop Work Order. Penalties may be imposed pursuant to MCC .9053 for each 24 hour period in which work continues in violation of the Stop Work Order. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying the property owner and violator of the issuance of the penalty.
3. The property owner shall submit an application or correct the violation within the grace period. If the property owner fails to submit an application or correct the violation within the grace period, the Code Enforcement Planner may impose a penalty in accordance with MCC 11.15.9053. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying the property owner and violator of the issuance of the penalty.
4. If the property owner files an appeal under MCC .9052(D)(4), the property owner shall not resume the use(s) subject to the stop work order until such time as a Decision of Appeal has been issued and the Stop Work Order is removed from the property by the Planning Director.
5. The Planning Director or Code Enforcement Planner may require the placement of erosion and sediment control devices and/or other health and safety corrections to occur at his discretion.

[Amended 1998, Ord. 908 § III]

(F) Notice of Violation; Occurrence; Other Remedies

1. Except as otherwise specifically provided in this ordinance, a Notice of Violation shall be used for violation of MCC 11.15, 11.45, 9.10 and 9.40.
2. Each day (24-hour period) a violation exists shall be a separate citable offense.
3. The remedies and procedures provided in this ordinance shall be in addition to any other remedy or procedure provided by any applicable law. In addition to any other remedy provided by law to

the County, the County shall be entitled to its reasonable administrative costs and attorney fees.
[Amended 1998, Ord. 908 § III]

(G) Judicial Review

Review of the Decision of Appeal of the Planning Director under this section by any aggrieved party, including the County of Multnomah, shall be by writ of review as provided in ORS 34.010 - 34.100 *[1998]*.

(H) Comprehensive Framework Plan and Zoning or Land Division Ordinance Interpretations

If the Notice of Violation involves a Comprehensive Framework Plan, Zoning or Land Division Ordinance interpretation by the Planning Staff, not previously decided by the Planning Commission or the Board of County Commissioners, in order to appeal Planning staff's interpretation, the property owner must include the request for interpretation by the Planning Commission in the appeal of the Notice of Violation. The property owner shall deposit with the Land Use Planning section at the time of appeal, the fee established for a Planning Commission Interpretation. The Planning Director shall initiate an action for an interpretation per MCC 11.15.9045 prior to the Decision of the Appeal. An interpretation by the Planning Commission shall be rendered within 45 days of initial Planning Commission meeting in which the item was presented. The Planning Director shall utilize the Planning Commission's Interpretation in making the determination of the Decision of Appeal. *[Amended 2000, Ord. 944 § 18]*

(I) Reporting to the Planning Commission

The Land Use Planning section shall report to the Planning Commission on code enforcement activities every six months.

[Added 1991, Ord. 689 § 2; Amended 1998, Ord. 905 § II]

11.15.9053 Penalties

Violations as defined in [MCC .9052](#) shall be subject to a fine of up to \$500.00 per day.

[Added 1991, Ord. 689 § 2]

11.15.9055 Savings Clause

If the article, section, subsection, subdivision, phrase, clause, sentence or work in the ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, subsection, subdivision, phrase, clause, sentence or work held invalid or unconstitutional.

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