



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: June 02, 2015  
Jurisdiction: Multnomah County  
Local file no.: PC-2014-3250  
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/28/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 002-14 {22482}  
Received: 5/28/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Multnomah County

Local file no.: **PC-2014-3250**

Date of adoption: 5/21/2015

Date sent: 5/28/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/25/2014

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

The adopted language is the same as provided in the Notice of Proposed Change

Local contact (name and title): Lindsey Nesbitt

Phone: 503-988-0213

E-mail: lindsey.nesbitt@multco.us

Street address: 1600 SE 190<sup>th</sup> Avenue

City: Portland

Zip: 97233-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |                                                |
|-------------|----|--------|------------------------------------------------|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |                                                |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Code amendment to exempt permanent structures associated with forest practices from requiring land use and building permits. The amendments are consistent with House Bill 2441 language that amends ORS 215. Applicable to zones: CFU, CFU1, CFU2, CFU3, CFU4, and CFU5.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: The amendments affect the Commercial Forest Use zones. Local building departments.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Code amendment to exempt permanent structures associated with forest practices from requiring land use and building permits. The amendments are consistent with House Bill 2441 language that amends ORS 215. Applicable to zones: CFU, CFU1, CFU2, CFU3, CFU4, and CFU5.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**ORDINANCE NO. 1218**

Amending MCC Chapters 11, 33, 34, 35 and 36 Relating to Forest Practice Buildings in the Commercial Forest Zones.

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

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

- a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as “housekeeping amendments”). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this ordinance to the Board of County Commissioners. The Planning Commission made such recommendation through adoption of the resolution described below and pursuant to its authority in MCC 33.0140, 34.0140, 35.0140, 36.0140, 37.0710, and 38.0710 and in ORS 215.110.
- b. Planning Commission Resolution No. PC-2014-3250 relates to Commercial Forest Use (CFU) lands which conserve and protect designated lands for continued commercial growth and harvesting timber and the production of wood fiber and other forest products by limiting development of houses and structures. Currently, structures associated with forest practices are permitted on a temporary basis and are required to obtain building permits. This ordinance amends the CFU zones to allow for the establishment of forest practice structures on a permanent basis and without needing to obtain a building permit when demonstrated there is a valid forest practice on site. This is the same way the County currently regulates agricultural buildings on Exclusive Farm Use properties. Upon adoption of the ordinance, forest practice buildings will continue to require compliance with setbacks, access, maximum height limitations, environmental zones, hillside development standards, etc.
- c. The Planning Commission held a public hearing on November 3, 2014, during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission’s hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. Individual notice under ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”) was not required because this ordinance will not: amend any element of the county’s comprehensive plan, enact a new comprehensive plan, change any base zoning classification, or limit or prohibit any land use previously allowed in any affected zone.
- d. The Planning Commission’s recommendation is sound and derives from the proper execution of its duties and authority.

**Multnomah County Ordains as Follows:**

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**PART I – RELATING TO CRITERIA FOR**

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**Section 1.** MCC Sections 33.0005, 34.0005, 35.0005, 36.0005 are amended as follows:

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

- a. Storage, maintenance, or repair of farm or forest machinery and equipment;
- b. The raising, harvesting and selling of crops or forest products;
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals, or honeybees;
- d. Dairying and the sale of dairy products; or
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.
- f. Agricultural and forest practice buildings does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS Chapter 476, a structure subject to sections 4001 to 4127, title 42, United States Code (the national Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

**Forest Practice Building – See Agricultural Building.**

**Section 2.** MCC Section 11.15.0010 is amended as follows:

**Agricultural Building – Pursuant to ORS 455.315 and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:**

- a. Storage, maintenance, or repair of farm or forest machinery and equipment;
- b. The raising, harvesting and selling of crops or forest products;
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals, or honeybees;
- d. Dairying and the sale of dairy products; or
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the

farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.

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

Forest Practice Building – See Agricultural Building.

**Section 3. 33.2020(A)(2) Allowed Uses – Relates to the CFU-1 Zone, 33.2220(A)(2) Allowed Uses - Relates to the CFU-2 Zone, 33.2420(A)(2) Allowed Uses - Relates to the CFU-5 Zone, 35.2020(A)(2) Allowed Uses - Relates to the CFU-3 Zone, 35.2220(A)(2) Allowed Uses - Relates to the CFU-4 Zone, 36.2020(A) Allowed Uses - Relates to the CFU Zone, 11.15.2048(A)(2) Uses Permitted Outright - Relates to the CFU Zone**

**(A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:**

**(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;**

**(2) Temporary or permanent on site structures which are auxiliary to and used during ~~the term~~ of a particular forest operation per ORS 215 and 455.315. Conversion of these structures is subject to any applicable land use and building permit review procedures; or**

**(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.**

**(B) A temporary portable facility for the primary processing of forest products.**

**(C) Farm use, as defined in ORS 215.203.**

**Section 4. MCC 29.604 - Exemption from development standards.**

**The following are exempt:**

(\* \* \*)

**(C) Forest practices approved under the Forest Practices Act are not regulated by this subchapter. Forest practice buildings exempt from state building code per ORS Chapter 215 are subject to Flood Hazard Regulations of this subchapter in the same manner as agricultural buildings.**

FIRST READING:

\_\_\_\_\_  
May 14, 2015

SECOND READING AND ADOPTION:

\_\_\_\_\_  
May 21, 2015



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Deborah Kafoury*

\_\_\_\_\_  
Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_

*Jed Tomkins*  
Jed Tomkins, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director, Department of Community Services.