

Exhibit 1
Former Code Sections Referenced in Memo Dated 01/04/2019

§ 33.6010 APPROVAL CRITERIA

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for radio and television transmission towers, which shall meet the approval criteria of MCC 33.6100 through 33.6125, wireless communications facilities which shall meet the approval criteria of MCC 33.6175 through 33.6188; and except for regional sanitary landfills which shall comply with MCC 33.6200 through 33.6230.

- (A) Is consistent with the character of the area;
- (B) Will not adversely affect natural resources;
- (C) The use will not:
 - (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor
 - (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (D) Will not require public services other than those existing or programmed for the area;
- (E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- (F) Will not create hazardous conditions;
- (G) Will satisfy the applicable policies of the Comprehensive Plan;
- (H) Will satisfy such other applicable approval criteria as are stated in this Section.

§ 36.6010 APPROVAL CRITERIA.

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 36.6100 through 36.6125, wireless communications facilities, subject to the provisions of MCC 36.6176, and except for regional sanitary landfills which shall comply with MCC 36.6200 through 36.6230.

- (A) Is consistent with the character of the area;
- (B) Will not adversely affect natural resources;

(C) The use will not:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor

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

(D) Will not require public services other than those existing or programmed for the area;

(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

(F) Will not create hazardous conditions;

(G) Will satisfy the applicable policies of the Comprehensive Plan;

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

(I) The use is limited in type and scale to primarily serve the needs of the rural area.

§ 33.6015 USES

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority. Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

(1) Boat moorage, marina or boathouse moorage.

(2) Camp or campground.

(3) Cemetery, crematory, mausoleum, mortuary or funeral home.

(4) Church, or other nonresidential place of worship, including the following activities customarily associated with the practices of the religious activity;

(a) Worship services;

(b) Religion classes;

(c) Weddings;

(d) Funerals;

(e) Meal programs;

(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education; and

(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:

(i) The subject property is located in a base zone that lists single-family dwelling as an Allowed Use, or where a single-family dwelling is permitted through a non-discretionary land use review process.

(ii) The subject property is located inside the urban growth boundary.

(iii) At least 50 percent of the residential units provided under this subsection (g) are affordable to households with incomes equal to or less than 60 percent of the median family income for Multnomah County.

(iv) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone, including the density standards for dwellings in the applicable zone.

(v) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(iii) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for Multnomah County for a period of 60 years from the date of the certificate of occupancy.

(5) Group care facility.

(6) Government building or use.

(7) Hospital, sanitarium, rest or retirement home.

(8) Kindergarten or day nursery.

(9) Library.

(10) Park, playground, sports area, golf course or recreational use of a similar nature.

(11) Philanthropic or eleemosynary institution.

(12) Power substation or other public utility building or use.

(13) Private club, fraternal organization, lodge.

(14) Racetrack.

(15) Radio and television transmission towers.

(a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service (PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.

(4) Church, or other nonresidential place of worship, including the following activities customarily associated with the practices of the religious activity;

(a) Worship services;

(b) Religion classes;

(c) Weddings;

(d) Funerals;

(e) Meal programs;

(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education; and

(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:

(i) The subject property is located in a base zone that lists single-family dwelling as an Allowed Use, or where a single-family dwelling is permitted through a non-discretionary land use review process.

(ii) The subject property is located inside the urban growth boundary.

(iii) At least 50 percent of the residential units provided under this subsection (g) are affordable to households with incomes equal to or less than 60 percent of the median family income for Multnomah County.

(iv) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone, including the density standards for dwellings in the applicable zone.

(v) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(iii) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for Multnomah County for a period of 60 years from the date of the certificate of occupancy.

(5) Group care facility.

(6) Government building or use.

(7) Hospital, sanitarium, rest or retirement home.

- (8) Kindergarten or day nursery.
- (9) Library.
- (10) Park, playground, sports area, golf course or recreational use of a similar nature.
- (11) Philanthropic or eleemosynary institution.
- (12) Power substation or other public utility building or use.
- (13) Private club, fraternal organization, lodge.
- (14) Racetrack.
- (15) Radio and television transmission towers.
 - (a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier personal wireless communications towers for cellular, personal communications service (PCS), specialized mobile radio (SMR) transmitters, and fixed point microwave towers are permitted in any district.
 - (b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts, provided only self-supporting structures are permitted in the Exclusive Farm Use district.
 - (c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 33.6125 (B).
 - (d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 33.6015 (A) (15), 33.6100 through 33.6125, and 33.6135.
- (16) Refuse dump or sanitary landfill.
- (17) Resort, dude ranch, hunting or fishing lodge.
- (18) Recycling collection center.
- (19) Riding academy or the boarding of horses for profit.
- (20) School, private, parochial or public; educational institution.
- (21) Transit station.
- (22) Waste collection, transfer, processing, or recovery facility.

(23) Museum.

(24) Ambulance Service Substation.

(25) Regional Sanitary Landfills.

(26) Mining and processing of geothermal resources.

(27) Wireless communications facilities.

(28) Limited alternative uses of surplus public school space pursuant to the provisions in MCC 33.6050.

(29) Accessory uses to the above.

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

**§ 36.4555 CRITERIA FOR APPROVAL OF
SEC-WR PERMIT -WATER
RESOURCE**

Except for the exempt uses listed in MCC 36.4520 and the existing uses pursuant to 36.4525, no development shall be allowed within a Water Resource Area unless the provisions of section (A) or (B) or (C) below are satisfied. An application shall not be approved unless it contains the site analysis information required in 36.4540(A) and (C), and meets the general requirements in 36.4550.

(A) Development on Low Impact Sites - Development on parcels in locations that would have low impacts on Water Resource Areas may be exempt from the Alternatives Analysis in (B) below. Development on sites that meet the following criterion may be allowed pursuant to the other applicable requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E):

(1) The development site is at least one hundred (100) feet from top of bank or top of ravine, which ever results in a greater distance from the Protected Water Feature. Top of ravine is the break in the > 25% slope. Slope should be measured in 25-foot increments away from the water feature until the slope is less than 25% (top of ravine), up to a maximum distance of 200' from the water feature. Where multiple resources are present (e.g., stream with wetlands along banks), the starting point for measurement should be whichever offers greatest resource protection.

(B) Alternatives Analysis - Development proposed within a Water Resource Area may be allowed if there is no alternative, when the other requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternatives analysis which demonstrates that:

(1) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area; and

(2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;

(3) Development shall occur as far as practically possible from the stream; and

(4) The Water Resource Area can be restored to an equal or better condition; or

(5) Any net loss on the property of resource area, function and/or value can be mitigated.

(C) Buffer Averaging - Development may be allowed to encroach into the 200' SEC-wr overlay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.

(1) Site assessment information pursuant to 36.4540(A) and (C) has been submitted.

(2) The riparian/vegetated corridor is certified to be in a marginal or degraded condition pursuant to Table 2. Buffer averaging is not allowed to encroach in areas certified to be in good condition.

(3) The maximum encroachment does not exceed 20% of the frontage length of the vegetated corridor by 20% of the required width.

(4) The entire remaining vegetated corridor on the project site or the first 50 feet closest to the stream (whichever is less) will be enhanced to "good" condition pursuant to Table 2.

(5) The area of encroachment will be replaced with added buffer area at a 1:1 ratio.

(6) The replacement area will be incorporated into the remaining vegetated corridor on the project site and meet the "good" condition pursuant to Table 2, regardless of its distance from the resource area.

(D) Development Standards- Development within the Water Resource Area shall comply with the following standards:

(1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.

(2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater) shall be removed without a one-for one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.

(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.

(4) The Water Resource Area shall be restored to "good condition" and maintained in accordance with the mitigation plan pursuant to (E) below and the specifications in Table 2.

(5) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.

(6) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.

Figure 1

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(7) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this district. Such markings shall be maintained until construction is complete.

(8) Stormwater quantity control and quality control facilities:

(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.

(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

(E) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This section establishes how mitigation can occur.

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1. through 5. below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;
4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.

(b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:

1. The extent of the public need for the proposed development;
 2. The functional values of the Water Resource Area that may be affected by the proposed development;
 3. The extent and permanence of the adverse effects of the development on the Water Resource Area, either directly or indirectly;
 4. The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and
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