

Multiple Use Agriculture (MUA-20)

11.15.2122 Purposes

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.

11.15.2124 Area Affected

MCC .2122 to .2150 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

11.15.2126 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 .2128 through .2136.

11.15.2128 Primary Uses

- A. Farm uses, as defined in ORS 215.203(2)(a) for the following purposes only:
 - 1. Raising and harvesting of crops;
 - 2. Raising of livestock and honeybees; or
 - 3. Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC .2132(B);
- B. The propagation or harvesting of forest products;
- C. Residential use consisting of a single-family dwelling constructed on a lot; and
- D. Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.
- E. 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]*

11.15.2130 Uses Permitted Under Prescribed Conditions

- A. Residential use, consisting of a single-family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:
 - 1. Construction shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
 - 2. The building shall be attached to a foundation for which a building permit has been obtained;
 - 3. The dwelling shall have a minimum floor area of 600 square feet;

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- B. Residential use, consisting of a single-family dwelling for the housing of help required to carry out a primary use listed in MCC .2128(A) or (B), when the dwelling occupies the same lot as a residence permitted by MCC .2128(C) or .2130, subject to the following conditions:
1. In the event the dwelling is constructed off-site, construction shall comply with MCC .2130(A)(1) and (3);
 2. The location of the dwelling shall be subject to approval of the Planning Director on a finding that:
 - a. The use is needed to carry out a use listed in MCC .2128(A) or (B),
 - b. The standards of MCC .2138(C) to (E) are satisfied, and
 - c. The minimum distance between dwellings will be 20 feet;
 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;

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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

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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

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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]*