

February 2, 2017

Multnomah County Board of Commissioners  
c/o Multnomah County Department of Community Services  
Land Use Planning Division  
1600 SE 190<sup>th</sup> Avenue, Suite 116  
Portland, Oregon 97233

Subject: Ordinance Relating to Accessory Structures in Unincorporated  
Multnomah County

Dear Chair Kafoury and Commissioners:

I am writing in support of the proposed ordinance on accessory structures. This ordinance is particularly important because of the proliferation in the use of such structures as accessory dwelling units or short-term vacation rentals. Simply put, and as staff recognizes, use of such structures for residential purposes is illegal under state law. Their use for these purposes not only violates density requirements and limitations on dwellings in rural zones and places added burdens on rural service providers, but it also increases conflicts with farm uses in EFU and MUA-20 zones. I have no objection to allowing accessory structures to be used for residential purposes **inside** urban growth boundaries or in urban unincorporated areas, where higher densities are encouraged and urban services are available, but they are inappropriate and unlawful outside urban areas.

I have one proposed amendment to the rule that I think is necessary for purposes of clarity. The amendment is to subsection (8) of a number of provisions appearing in different zones that set standards for accessory structures (such as 33.2020(T)(8)), which currently provides: “Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.” This language creates confusion with respect to use of such buildings as dwellings. I would amend it to read as follows:

**“Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. Such buildings shall be used for their allowed farm purposes only and, unless so authorized, shall not be used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.”**

Again, the purpose of this amendment is clarity. The proposed Code amendments already provide language stating that an accessory structure cannot be used for the residential purposes listed in my proposed language. *See, e.g.*, 33.2020(T)(2). However, the proposed amendments then say that buildings in conjunction with farm use “are not subject

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to these provisions.” Does this mean such buildings can be used for residential purposes? Because *some* residential uses are permitted in EFU zones (e.g., housing for farm workers), the blanket prohibition on residential use does not work. But because residential use in EFU zones is highly restricted, the blanket exception in subsection (8) does not work either. My proposed wording clarifies that buildings in conjunction with farm uses can be used for residential purposes, but only if and to the extent they were approved for such purposes.

Thank you for your attention to this matter.

Very truly yours,



Mark J. Greenfield

Cc: Michael Cerbone  
Adam Barber  
Jed Tomkins