

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

**ORDINANCE NO. \_\_\_\_\_**

Amending MCC Chapters 11.15, 33, and 36 Relating to Affordable Housing Regulations on Unincorporated County Lands Inside the Urban Growth Boundary and Declaring an Emergency.

(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, 36.0140, 37.0710, and in ORS 215.110.
- b. Planning Commission Resolution No. PC 2018-9900 relates to affordable housing regulations on unincorporated lands inside the urban growth boundary for which Multnomah County provides planning services. Senate Bill 1051 (2017 Legislative Session) and a clarification to SB 1051 added through House Bill 4031 (2018 Legislative Session) mandate local governments to implement several practices with the intent of increasing affordable housing supply across the state. For counties, the majority of those practices apply only to unincorporated land inside the urban growth boundary. Some of the changes to state law became effective on August 15, 2017, and others become effective July 1, 2018.
- c. Generally, the ordinance: (1) allows accessory dwelling units (ADUs) in residential zones within the urban growth boundary, subject to reasonable siting and design standards; (2) establishes those reasonable siting and design standards for ADUs; and (3) adds to county code provisions in state law allowing uses customarily associated with the practices of religious activity at a nonresidential place of worship, including housing in residential zones within the urban growth boundary.
- d. The ordinance applies to roughly 600 properties, the majority of which are located in eastern Multnomah County in the vicinity of Pleasant Valley, Springwater, the western portion of Orient, and Interlachen Lane. The ordinance also applies to one property near Skyline Boulevard in western Multnomah County. The ordinance does not apply to properties within the urban growth boundary for which Multnomah County has contracted with another jurisdiction to provide planning services.
- e. The ordinance does not allow ADUs in areas outside of the urban growth boundary. Such development is generally prohibited by state law and the County Comprehensive Plan.

- f. The Planning Commission held a public hearing on April 2, 2018, 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. However, as a courtesy, the County mailed notices of the Planning Commission hearing to individual property owners whose property would be impacted by the ordinance.
- g. The Planning Commission's recommendation is sound and derives from the proper execution of its duties and authority.

**Multnomah County Ordains as Follows:**

**Section 1.** MCC 11.15.0010, 33.0005 and 36.0005 are amended as follows:

**§ 11.15.0010 DEFINITIONS.**

**§ 33.0005 DEFINITIONS.**

**§ 36.0005 DEFINITIONS.**

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

\* \* \*

**Accessory Dwelling Unit (ADU)** – An interior, attached, or detached dwelling unit, the use of which is clearly accessory and incidental to that of a lawfully established single-family dwelling on the same Lot of Record. For purposes of this definition, interior means the ADU is located within a building that was not originally designed or used as an ADU. Attached means at least a portion of one wall or floor of the ADU is connected to a building. Detached means the ADU is not connected to any other building. A structure that qualifies as an apartment, duplex dwelling, two-unit dwelling, multi-plex dwelling structure, an accessory building, or an accessory structure is not an ADU.

\* \* \*

**Section 2.** MCC 11.15.2128 and 11.15.2208 are amended as follows:

**§ 11.15.2128 PRIMARY USES.**

**§ 11.15.2208 PRIMARY USES.**

(A) Farm uses, as defined in ORS 215.203(2)(a) for the following purposes only:

(1) Raising and harvesting crops;

\* \* \*

(F) Accessory Dwelling Unit (ADU), subject to the following standards:

(1) The ADU is sited entirely inside the urban growth boundary.

(2) The ADU is not accessory to a health hardship dwelling or any other type of temporary dwelling.

(3) Transportation Impacts shall be mitigated per Multnomah County Road Rules. The ADU shall use the same lawfully established driveway entrance as the single-family dwelling, although the driveway may be extended to the ADU. No variance, adjustment, deviation or any other modification to this shared driveway provision is allowed.

(4) The floor area of the ADU shall not exceed either 800 square feet, or 75% of the floor area of the single-family dwelling to which the ADU is accessory, whichever is less.

(5) The ADU shall either be:

(a) Attached to or located within the interior of a lawfully established single-family dwelling;

(b) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building existed on June 7, 2018 (effective date of enacting ordinance);

(c) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building is located at least 7 feet and no more than 20 feet from the single family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed; or

(d) Detached, provided that the detached ADU is located at least 7 feet and no more than 20 feet from the single-family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed.

(6) An attached or interior ADU shall include at least one separate exterior doorway to the outside. Internal entrance(s) to the attached building are allowed.

(7) The following designs are not permitted for use as an ADU: Recreational vehicle, park model recreational vehicle, yurt or any other similar design not intended for permanent human occupancy or any structure unable to meet all applicable construction or installation standards.

(8) Short-term rental of the ADU is prohibited. For purposes of this subsection, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive calendar days. Month-to-month rental agreements for long-term purposes are not short-term rental.

(9) The land owner shall sign and record with the county a covenant stating that the ADU cannot be used for short-term rental, as defined in this section. The covenant shall apply until such time the subject property is annexed into a city and no longer subject to county land use regulations.

**Section 3.** MCC 11.15.2386 is amended as follows:

**§ 11.15.2386 PRIMARY USES.**

(A) Residential use consisting of a single-family detached dwelling constructed on a lot;

\* \* \*

(F) Accessory Dwelling Unit (ADU), subject to the following standards:

(2) The ADU is sited entirely inside the urban growth boundary.

(2) The ADU is not accessory to a health hardship dwelling or any other type of temporary dwelling.

(3) Transportation Impacts shall be mitigated per Multnomah County Road Rules. The ADU shall use the same lawfully established driveway entrance as the single-family dwelling, although the driveway may be extended to the ADU. No variance, adjustment, deviation or any other modification to this shared driveway provision is allowed.

(4) The floor area of the ADU shall not exceed either 800 square feet, or 75% of the floor area of the single-family dwelling to which the ADU is accessory, whichever is less.

(5) The ADU shall either be:

(a) Attached to or located within the interior of a lawfully established single-family dwelling;

- (b) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building existed on June 7, 2018 (effective date of enacting ordinance);
- (c) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building is located at least 7 feet and no more than 20 feet from the single family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed; or
- (d) Detached, provided that the detached ADU is located at least 7 feet and no more than 20 feet from the single-family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed.
- (6) An attached or interior ADU shall include at least one separate exterior doorway to the outside. Internal entrance(s) to the attached building are allowed.
- (7) The following designs are not permitted for use as an ADU: Recreational vehicle, park model recreational vehicle, yurt or any other similar design not intended for permanent human occupancy or any structure unable to meet all applicable construction or installation standards.
- (8) Short-term rental of the ADU is prohibited. For purposes of this subsection, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive calendar days. Month-to-month rental agreements for long-term purposes are not short-term rental.
- (9) The land owner shall sign and record with the county a covenant stating that the ADU cannot be used for short-term rental, as defined in this section. The covenant shall apply until such time the subject property is annexed into a city and no longer subject to county land use regulations.

**Section 4.** MCC 11.15.2566, 11.15.2606 and 11.15.2626 are amended as follows:

**§ 11.15.2566 PRIMARY USES.**

**§ 11.15.2606 PRIMARY USES.**

**§ 11.15.2626 PRIMARY USES.**

A. Single family detached dwelling.

For the purposes of this Section, more than one single family detached dwelling may be located on a lot provided that all of the applicable dimensional requirements of this district are met for each such dwelling and its accessory uses.

\* \* \*

(D) Accessory Dwelling Unit (ADU), subject to the following standards:

- (1) The ADU is sited entirely inside the urban growth boundary.
- (2) The ADU is not accessory to a health hardship dwelling or any other type of temporary dwelling.
- (3) Transportation Impacts shall be mitigated per Multnomah County Road Rules. The ADU shall use the same lawfully established driveway entrance as the single-family dwelling, although the driveway may be extended to the ADU. No variance, adjustment, deviation or any other modification to this shared driveway provision is allowed.
- (4) The floor area of the ADU shall not exceed either 800 square feet, or 75% of the floor area of the single-family dwelling to which the ADU is accessory, whichever is less.
- (5) The ADU shall either be:
  - (a) Attached to or located within the interior of a lawfully established single-family dwelling;
  - (b) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building existed on June 7, 2018 (effective date of enacting ordinance);
  - (c) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building is located at least 7 feet and no more than 20 feet from the single family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed; or
  - (d) Detached, provided that the detached ADU is located at least 7 feet and no more than 20 feet from the single-family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed.

(6) An attached or interior ADU shall include at least one separate exterior doorway to the outside. Internal entrance(s) to the attached building are allowed.

(7) The following designs are not permitted for use as an ADU: Recreational vehicle, park model recreational vehicle, yurt or any other similar design not intended for permanent human occupancy or any structure unable to meet all applicable construction or installation standards.

(8) Short-term rental of the ADU is prohibited. For purposes of this subsection, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive calendar days. Month-to-month rental agreements for long-term purposes are not short-term rental.

(9) The land owner shall sign and record with the county a covenant stating that the ADU cannot be used for short-term rental, as defined in this section. The covenant shall apply until such time the subject property is annexed into a city and no longer subject to county land use regulations.

**Section 5.** MCC 33.3120, 36.2820, 36.3420 and 36.3520 are amended as follows:

**§ 33.3120 ALLOWED USES.**

**§ 36.2820 ALLOWED USES.**

**§ 36.3420 ALLOWED USES.**

**§ 36.3520 ALLOWED USES.**

(F) Accessory Structures subject to the following:

\* \* \*

(6) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet and ~~the combined~~ footprints of all Accessory Buildings on a Lot of Record, including buildings accessory to an ADU, shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above, except for the combined footprints allowed for all buildings accessory to an ADU, shall be considered through the Review Use provisions.

\* \* \*

(L) Accessory Dwelling Unit (ADU), subject to the following standards:

(1) The ADU is sited entirely inside the urban growth boundary.

(2) The ADU is not accessory to a health hardship dwelling or any other type of temporary dwelling.

(3) Transportation Impacts shall be mitigated per Multnomah County Road Rules. The ADU shall use the same lawfully established driveway entrance as the single-family dwelling, although the driveway may be extended to the ADU. No variance, adjustment, deviation or any other modification to this shared driveway provision is allowed.

(4) The floor area of the ADU shall not exceed either 800 square feet, or 75% of the floor area of the single-family dwelling to which the ADU is accessory, whichever is less.

(5) The ADU shall either be:

(a) Attached to or located within the interior of a lawfully established single-family dwelling;

(b) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building existed on June 7, 2018 (effective date of enacting ordinance);

(c) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building is located at least 7 feet and no more than 20 feet from the single family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed; or

(d) Detached, provided that the detached ADU is located at least 7 feet and no more than 20 feet from the single-family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed.

(6) An attached or interior ADU shall include at least one separate exterior doorway to the outside. Internal entrance(s) to the attached building are allowed.

(7) The following designs are not permitted for use as an ADU: Recreational vehicle, park model recreational vehicle, yurt or any other similar design not intended for permanent human occupancy or any structure unable to meet all applicable construction or installation standards.

(8) Short-term rental of the ADU is prohibited. For purposes of this subsection, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive



calendar days. Month-to-month rental agreements for long-term purposes are not short-term rental.

(9) The land owner shall sign and record with the county a covenant stating that the ADU cannot be used for short-term rental, as defined in this section. The covenant shall apply until such time the subject property is annexed into a city and no longer subject to county land use regulations.

**Section 6.** MCC 36.3120 is amended as follows:

**§ 36.3120 ALLOWED USES.**

(A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

(1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.

\* \* \*

(G) Accessory Structures subject to the following:

\* \* \*

(6) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet and the combined footprints of all Accessory Buildings on a Lot of Record, including buildings accessory to an ADU, shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above, except for the combined footprints allowed for all buildings accessory to an ADU, shall be considered through the Review Use provisions.

\* \* \*

(M) Accessory Dwelling Unit (ADU), subject to the following standards:

(1) The ADU is sited entirely inside the urban growth boundary.

(2) The ADU is not accessory to a health hardship dwelling or any other type of temporary dwelling.

(3) Transportation Impacts shall be mitigated per Multnomah County Road Rules. The ADU shall use the same lawfully established driveway entrance as the single-family dwelling, although the driveway may be extended to the ADU. No variance, adjustment, deviation or any other modification to this shared driveway provision is allowed.

(4) The floor area of the ADU shall not exceed either 800 square feet, or 75% of the floor area of the single-family dwelling to which the ADU is accessory, whichever is less.

(5) The ADU shall either be:

(a) Attached to or located within the interior of a lawfully established single-family dwelling;

(b) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building existed on June 7, 2018 (effective date of enacting ordinance);

(c) Attached to or located within the interior of a lawfully established building that is accessory to a single-family dwelling, provided that the accessory building is located at least 7 feet and no more than 20 feet from the single family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed; or

(d) Detached, provided that the detached ADU is located at least 7 feet and no more than 20 feet from the single-family dwelling, measured at the closest points between exterior walls of both buildings. Chimneys, eaves, building and window trim are not included in the measurement above. No variance, adjustment, deviation or any other modification to any of the distances listed in this provision are allowed.

(6) An attached or interior ADU shall include at least one separate exterior doorway to the outside. Internal entrance(s) to the attached building are allowed.

(7) The following designs are not permitted for use as an ADU: Recreational vehicle, park model recreational vehicle, yurt or any other similar design not intended for permanent human occupancy or any structure unable to meet all applicable construction or installation standards.

(8) Short-term rental of the ADU is prohibited. For purposes of this subsection, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive calendar days. Month-to-month rental agreements for long-term purposes are not short-term rental.

(9) The land owner shall sign and record with the county a covenant stating that the ADU cannot be used for short-term rental, as defined in this section. The covenant shall apply

until such time the subject property is annexed into a city and no longer subject to county land use regulations.

**Section 7.** MCC 11.15.2134 and 11.15.2214 are amended as follows:

**§ 11.15.2134 ACCESSORY USES.**

**§ 11.15.2214 ACCESSORY USES.**

(A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982.

\* \* \*

(D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district. The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet; and

(E) Family Day Care.

**Section 8.** MCC 11.15.2388 is amended as follows:

**§ 11.15.2388 USES PERMITTED UNDER PRESCRIBED CONDITIONS.**

The uses permitted subject to prescribed conditions for each use are:

(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;

\* \* \*

(E) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district. The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet; and

(F) Temporary uses under the provisions of MCC .8705-.8710.

\* \* \*

**Section 9.** MCC 11.15.2568, 11.15.2608 and 11.15.2628 are amended as follows:

**§ 11.15.2568 USES PERMITTED UNDER PRESCRIBED CONDITIONS.**

**§ 11.15.2608 USES PERMITTED UNDER PRESCRIBED CONDITIONS.**

**§ 11.15.2628 USES PERMITTED UNDER PRESCRIBED CONDITIONS.**

The uses permitted subject to prescribed conditions for each use are:

(A) Accessory buildings such as garages, carports, studios, pergolas, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached, provided:

(1) The height or total ground floor area of accessory buildings shall not exceed the height or ground floor area of the main building on the same lot.

\* \* \*

(5) The combined footprints of all buildings accessory to an accessory dwelling unit (ADU) shall not exceed combined footprints of 400 square feet.

\* \* \*

**Section 10.** MCC 11.15.7020 is amended as follows:

**§ 11.15.7020 USES.**

(A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, 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.

(1) Boat moorage, marina or boathouse moorage.

\* \* \*

(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.

\* \* \*

**Section 11.** MCC 33.6015 is amended as follows:

**§ 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.

\* \* \*

- (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.

\* \* \*

**Section 12.** MCC 36.6015 is amended as follows:

**§ 36.6015** USES.

(A) Except as otherwise limited in the EFU, CFU and OR 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 and OR districts are limited to those uses listed in each respective district.

(1) 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.

\* \* \*

**Section 13.** MCC 33.0550 and 36.0550 are amended as follows:

**§ 33.0550 TYPE B HOME OCCUPATION.**

**§ 36.0550 TYPE B HOME OCCUPATION.**

(A) Type B home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building, but not within or in association with an accessory dwelling unit, on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

\* \* \*

**Section 14.** MCC 11.15.7465 is amended as follows:

**§ 11.15.7465 CRITERIA FOR APPROVAL.**

The approval authority shall find that the following standards are met:

(A) The standards found in MCC 11.15.7120.

\* \* \*

(K) The home occupation is not conducted within or in association with an accessory dwelling unit.

**Section 15.** MCC 33.6660 and 36.6660 are amended as follows:

**§ 33.6660 CRITERIA FOR APPROVAL.**

**§ 36.6660 CRITERIA FOR APPROVAL.**

(A) A Type C home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building, but not within or in association with an accessory dwelling unit, on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

\* \* \*



**Section 16.** This ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared, and the ordinance takes effect immediately upon being signed by the County Chair pursuant to Section 5.50 of the Multnomah County Home Rule Charter.

FIRST READING and ADOPTION:

\_\_\_\_\_  
June 7, 2018

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

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

By \_\_\_\_\_  
Katherine Thomas, Assistant County Attorney

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