

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 431

An Ordinance amending the Zoning Ordinance of Multnomah County, Oregon (MCC 11.15) by amending Section .0010 Definitions.

Multnomah County ordains as follows:

SECTION 1. FINDINGS

1. SB 478 (ORS 487, 485, 487.490), requires cities and counties to do the following:
 - a. Apply the term residential homes to "...a residence for five or fewer unrelated physically or mentally handicapped persons and staff persons who need not be related to each other or to any other home residents" - Section 1(3).
 - b. Allow residential homes as a permitted use in all areas zoned for residential or commercial purposes including areas zoned for single-family dwellings - Section 3(1).
 - c. Enact or enforce no ordinances which prohibit the use of a residential dwellings located as a residential home in areas zoned for residential or commercial - Section 3(1).
2. Cities and counties may impose conditions on the establishment and maintenance of residential home in an area zoned for commercial use if:
 - a. The same restrictions are applied to other residential dwellings in the same zone - Section 3(2)(a).
 - b. If conditions are necessary to protect the health and safety of the home residents - Section 3(2)(b).
3. Multnomah County Ordinance No. 392 and SB 22 (ORS 443.705 to 443.775) governs the registration, inspection, investigation, and protection of rights of residents of Adult Care Homes in Multnomah County.
4. Changes in the Zoning Ordinance of Multnomah County, Oregon, (MCC 11.15) are necessary to bring the County's zoning ordinance into conformance with SB 478 (ORS. 487, 485, and 487.490) provisions and be internally consistent.
5. It is the policy of Multnomah County to support and assist in the provision of an adequate supply of housing units at price ranges and rent levels affordable to the region's households and to allow for variety in housing location, type and density (Multnomah County Comprehensive Framework Plan Policy No. 21).

6. It is the policy of Multnomah County to accommodate the location of a broad range of housing types (Multnomah County Comprehensive Framework Plan, Policy No. 24).
7. There is a growing need in the community for residences to provide quality care and protection for physically and mentally handicapped persons who do not need 24-hour supervision and planned treatment or planned training.
8. Multnomah County's number and proportion of the population in the senior citizen age category is rising and residential homes increase the housing options of senior citizens unable to maintain totally independent living arrangements.
9. In order to increase the housing choices for mentally handicapped and senior citizens in Multnomah County and address the new provisions in State law, it is appropriate and in the public interest, to protect the health, safety, and welfare of County citizens, that the following amendments to Chapter 11.15 be enacted.

SECTION 2. AMENDMENT

MCC 11.15 is hereby amended to add and revise:

11.15.0010 Definitions

Family

Any one of the following shall be considered a family when living together as a single housekeeping unit within a dwelling unit (excluding servants):

- a An individual or two or more persons related by blood, marriage, legal adoption, foster care or guardianship; or
- b A group of not more than five (5) unrelated persons; or [excluding servants living together as a single housekeeping unit in a dwelling unit.]

c Residential Home

A residence for five (5) or fewer unrelated mentally or physically handicapped persons and staff persons who need not be related to each other or any other home resident. A residential home must be registered as an Adult Care Home with Multnomah County Department of Human Services pursuant to Chapter 8.90 of Title 8 of the Multnomah County Code, 890.005 - 8.90.260.

Each group described herein or portion thereof, shall be considered a separate family.

Group Care Facility

[Structures] A building or part thereof, housing [five more than] six or more persons of any age who are not members of the provider's family and residential staff used for the following purposes: [They are classified as one of the following:]

a. Residential Care Facility

[STRUCTURES] A building or part thereof, which may provide 24-hour supervision used for the lodging and care of six or more ambulatory persons who may be either handicapped to a degree that makes total self dependence either impossible or undesirable, but who possess sufficient facilities to recognize an emergency situation and to react immediately and positively to attain self preservation.

[Exception: facilities licensed as Homes for the Aged.]

b. Residential Treatment Facility

[Structures used for the lodging and supervision of persons who are not handicapped whose place of residence therein is dictated by]. A building or part thereof, operated with 24-hour supervision for the purpose of providing care and planned treatment of planned training to six (6) or more persons who by reason of their circumstance, condition, or placement require such care and planned training or treatment while living as a single housekeeping unit in a dwelling unit.

c. Child Care Facility

A building or part thereof, providing temporary care of children where the ratio of supervision is less than 1:10 in staff members are allowed to sleep.

"Care" means services such as supervision, protection, assistance while bathing, dressing, grooming or eating, management of money, transportation, recreation and simple training of self-help skills or assistance with major life activities and the provision of room and board.

"Planned treatment" means a systematic and/or individualized program of counseling, therapy, or other rehabilitative procedures or activities provided for a group of persons of similar or compatible circumstances or conditions. A planned treatment program which requires regular on-premise physician's or nurse's care shall not be allowed.

"Planned training" means a pre-determined sequence of systematic interactions, activities, or structured learning situations, designed to meet such residents' specified needs in the areas of physical, social, emotional, and intellectual growth.

A care in treatment facility which requires regular on-premises physician's in nurse's care shall not be allowed. Care and treatment facilities in the County where one or more frail elderly, mentally or physically handicapped, or dependent persons over 18, unrelated to the provider, receive room and board for compensation, are required to register as an Adult Care Home with the Multnomah County Department of Human Services pursuant to Chapter 8.90 of Title 8 of the Multnomah County Code, 8.90.005 - 8.90.260 unless licensed as a Residential Care Facility by the State of Oregon.

Adult Care Home

Any building in part thereof, where one or more frail elderly, mentally handicapped or physically handicapped, or dependent persons over 18, unrelated to the provider, receive room and board for compensation.

Providers of their services in the County are required to register as an Adult Care Home with the Multnomah County Department of Human Resources pursuant to Chapter 8.90 of Title 8 of the Multnomah County Code, 8.90.005 - 8.90.260 unless licensed as a Residential Care Facility by the State of Oregon.

Boarding, Lodging or Rooming House

Any building or portion thereof containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise, excluding a Residential Home as defined in this Section.

Home Occupation

Any lawful activity not otherwise specifically provided for in this chapter commonly carried on within a dwelling unit or accessory building by the occupant thereof, no employee or other person being engaged in the same, which activity is secondary to the use of the property for residential purposes; provided that there is not outside advertising or display of merchandise, that no sale of merchandise is made from the premises, and that noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is undetectable at any property line. The operation of a Residential Home is not considered a home occupation.

Nursing Home

- a. Convalescent and/or chronic care is rendered in exchange for compensation to two or more patients requiring regular on-premise physicians or nurses care. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick;
- b. Persons who are acutely ill or are surgical or maternity cases are excluded;
- c. Qualified personnel and a consulting physician are available at all times; and
- d. Isolation facilities are provided.

Residential Home

See "Family".

Residential Care Facility

See "Group Care Facility"

Residential Treatment Facility

See "Group Care Facility".

J. [Homes For The Aged

A building or part thereof, where board and domicile care is rendered for compensation to three or more aged persons, as defined by MCC 6.40.010.]

SECTION 3 ADOPTION

This Ordinance being necessary for the health safety, and general welfare of the people of Multnomah County, shall take effect on the

thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the charter of Multnomah County.

SECTION 4 CODIFICATION

This Ordinance shall be codified in the Multnomah County Code Chapter 11.15 and adopted as part of that code.

Adopted this 18th day of September, 1984, being the date of its Second Reading before the Board of County Commissioners of Multnomah County.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Earl Blumenauer
~~Arnold Biskak~~ Earl Blumenauer
Vice Presiding Officer

AUTHENTICATED by the County Executive on the 20th day of September, 1984.

Dennis Buchanan
Dennis Buchanan
County Executive

(SEAL)

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon

By Peter Kasting
Peter Kasting
Assistant County Counsel