

BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. PC 2016-4940**

Recommend to the Board of Commissioners the adoption of one or more ordinances amending the provisions for MCC Chapters 33, 34, 35, 36 and 38 relating to Accessory Structures and setback requirements for small structures, fences and retaining walls.

**The Planning Commission Finds:**

- a. The Planning Commission is authorized by Multnomah County Code Chapters 37.0710, 38.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to amend the County Comprehensive Plan and land use regulations.
- b. Accessory Structures are those structures that are customarily accessory or incidental to a lawfully established use. Accessory Structures include non-building structures (e.g., swimming pool, deck) and buildings (e.g. storage shed, workshop, greenhouse).
- c. State law (and, for the Springdale Rural Center, the Comprehensive Plan) prohibits the use of Accessory Structures for permanent or temporary residential use (commonly referred to in recent times as "Accessory Dwelling Units"). Planning Staff have received comments from the public demonstrating a need for the Code to more clearly delineate the allowed use of Accessory Structures and the features and facilities that may be approved for an Accessory Structure.
- d. The proposed amendments to the Code achieve the following:
  - i. Alert the public to the limitations on residential use of Accessory Structures;
  - ii. Identify the features and facilities that may be approved for an Accessory Structure;
  - iii. Provide an expedient, non-discretionary review process for proposals involving fewer internal features and facilities and a discretionary review process for more complex proposals; and
  - iv. Provide additional opportunities for the siting of small accessory structures, fences and retaining walls.

- e. Regulations are being proposed that affect the permissible uses of property. Multnomah County mailed notices to individual property owners as required by state law ("Ballot Measure 56 notice"). Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the Land Use Planning Program webpage. The Planning Commission held a public hearing on October 3, 2016 where all interested persons were given an opportunity to appear and be heard. The Planning Commission held a second public hearing on November 7, 2016 to deliberate on the proposed amendments.

**The Planning Commission resolves:**

The proposed Ordinance(s) amending MCC Chapters 33, 34, 35, 36 and 38 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 7<sup>th</sup> day of November, 2016

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON



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John Ingle, Chair