



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised March 2016)

Board Clerk Use Only

Meeting Date: 2/16/17
Agenda Item #: R.1
Est. Start Time: 9:30 am
Date Submitted: 1/24/17

Agenda Title: **First Reading and Public Hearing of an Ordinance Amending MCC Chapters 33, 34, 35, 36 and 38 Relating to Accessory Structures and Setback Requirements for Small Structures, Fences and Retaining Walls**

Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.

Requested

Meeting Date: February 16, 2017 Time Needed: 10-minutes

Department: Community Services Division: Land Use Planning

Contact(s): Adam Barber, Senior Planner

Phone: 503.988.0168 Ext. 80168 I/O Address: 455/1/116

Presenter

Name(s) &

Title(s): Adam Barber, Senior Planner; Michael Cerbone, Planning Director

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve proposed amendments to Multnomah County Zoning Code Chapters 33, 34, 35, 36 and 38. These amendments have been recommended to the Board for approval by Multnomah County's Planning Commission.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Accessory Structures are those structures that are customarily accessory or incidental to a lawfully established use and can include non-building structures (e.g., swimming pool, deck) and buildings (e.g., storage shed, workshop, greenhouse). Planning Staff have received numerous 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. The current standards have caused some uncertainty, delays, and disproportionate consumption of Staff and property owner resources.

The proposed amendments are intended to (1) alert the public to the limitations set forth in State and local law on residential use of Accessory Structures; (2) identify the features and facilities that may be approved for an Accessory Structure; (3) 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 (4) provide additional opportunities for the siting of small accessory structures, fences and retaining walls.

Although interest in the use of Accessory Structures for *dwelling* purposes is on the rise, this ordinance does not change the current law relating to the use of accessory structures for dwelling purposes, such as Accessory Dwelling Units (ADUs). A combination of state rules generally prohibits the County from allowing second dwelling units, like ADUs, on property that already has a primary home. However, exceptions are made for secondary dwellings used as temporary health hardship dwellings and for farm help dwellings. Although state law would allow ADUs in the unincorporated community of Springdale in east Multnomah County, the County Comprehensive Plan prohibits ADUs in that community, as requested by members of that rural community.

3. Explain the fiscal impact (current year and ongoing).

None.

4. Explain any legal and/or policy issues involved.

Further clarifies and implements existing law.

5. Explain any citizen and/or other government participation that has or will take place.

The Planning Commission held a public hearing on October 3, 2016 during which all interested persons were given the opportunity to appear and be heard. The Planning Commission held a second public hearing on November 7, 2016 to deliberate on the proposed amendments, and at that hearing, the Planning Commission recommended adoption of this ordinance. Notice of the Planning Commission's hearings was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, prior to the first Planning Commission hearing on this ordinance, the County mailed notices to individual property owners as required by ORS 215.203 (commonly known as Ballot Measure 56 notice).

Required Signature

**Elected
Official or
Department
Director:**

Kim Peoples /s/

Date:

January 24, 2017