

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1100

Amending MCC Chapters 33, 34, 35 and 36 to Clarify What Accessory Structures and Uses are Allowed Outright in the Primary Zoning Districts, and to Provide an Alternative Review Process for Other Uses and Structures

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsections 33.0140, 34.0140, 35.0140, 36.0140, 37.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission exercised this authority in recommending the proposed ordinance with Resolution PC-06-001.
- b. The existing Zoning Code applicable to accessory structures allows uses that are customarily accessory or incidental to a primary use as permitted outright. The term “customarily accessory” is undefined in the Code and for some buildings or uses an interpretation through a land use decision is required for approval. This lack of clarity results in uncertainty for staff, confusion for the public, and unanticipated delay for some permits.
- c. The customarily accessory and incidental criteria also related to the size of buildings. If a proposed accessory building is larger than the primary permitted use it would not be incidental and thus would need to meet customarily accessory standard. County Assessment data indicates that approximately 95 percent of the existing non-farm accessory buildings in the county are 2000 square foot in size or less, and 90 percent of these properties have a cumulative accessory building footprint of 2500 square feet or less. The Board finds that a cumulative accessory building footprint of 2500 square feet or less is customarily accessory.
- d. To streamline permitting and provide a clearer Zoning Code applicable to accessory structures and uses the Code should be amended to include guidance on what accessory structures and uses are allowed outright as customarily accessory or incidental to a primary use. The proposed code provides that guidance through a list of uses that include the majority of accessory uses found in rural areas. Furthermore, the Zoning Code should provide an alternative process for consideration of whether uses or structures that are not included on the list of outright uses are customarily accessory to uses in the various zone districts.
- e. Rural property owners commonly keep horses or other animals but do not operate a farm. To meet these needs the list of uses allowed outright should include buildings related to sheltering horses or livestock and associated buildings.
- f. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required (“Ballot Measure 56” notice). Notice of the Planning Commission hearing was published in the “Oregonian” newspaper and on the Land Use Programs web site.

- g. The provisions of this ordinance were submitted to the State of Oregon Department of Land Conservation and Development and their staff was given an opportunity to comment on the proposed amendments. No comments were received.
- h. Noticed public hearings were held before the Planning Commission on December 4, 2006 and the Board of County Commission on September 13, 2007, and all interested persons were given an opportunity to appear and be heard.

Multnomah County Ordains as follows:

Section 1. §§33.2820 (F), 33.3120 (F), 33.3320 (F), 34.2820 (F), 34.3120 (F), 34.3320 (F), 35.2820 (F), 35.3120 (F), 35.3320 (F), 36.2820 (F), 36.3320 (F), 36.3420 (F), 36.3520 (F)
Allowed Uses are amended to read as follows:

(F) Accessory Structures

(1) ~~Other~~ Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:-

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds;

(f) Greenhouses;

(g) Woodsheds;

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;

(i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;

(j) Sport courts

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Similar structures.

(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.

(3) If the accessory structure has a bathroom or kitchen facilities, then prior to issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

Section 2. §36.3120 (G) Allowed Uses is amended to read as follows:

(G) Accessory Structures

(1) Other structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:-

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds;

(f) Greenhouses,

(g) Woodsheds;

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;

(i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;

(j) Sport courts

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Similar structures.

(2) If the accessory structure is a building, then to be an "allowed use" the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.

(3) If the accessory structure has a bathroom or kitchen facilities, then prior to issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

Section 3. §§ 33.2825, 33.3125, 33.3325, 34.2825, 34.3125, 34.3325, 35.2825, 35.3125, 35.3325, 36.3325, Review Uses are amended as follows:

33.2825 Review Uses

* * *

(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2820 Allowed Uses.

33.3125 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.3120 Allowed Uses.

33.3325 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.3320 Allowed Uses.

34.2825 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.2820 Allowed Uses.

34.3125 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.3120 Allowed Uses.

34.3325 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.3320 Allowed Uses.

35.2825 Review Uses

* * *

(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2820 Allowed Uses.

35.3125 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.3120 Allowed Uses.

35.3325 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.3320 Allowed Uses.

36.3325 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.2820 Allowed Uses.

Section 4. §§ 36.2825, 36.3125, 36.3425, 36.3525 Review Uses are amended as follows:

36.2825 Review Uses

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(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.2820 Allowed Uses.

36.3125 Review Uses

* * *

(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.3120 Allowed Uses.

36.3425 Review Uses

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(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.3420 Allowed Uses.

36.3525 Review Uses

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(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.3520 Allowed Uses.

Section 5. §§33.2020 (T), 33.2220 (T), 33.2420(T), 35.2020 (T), 35.2220 (T), 36.2020 (T) Allowed Uses are amended to read as follows:

(T) Accessory Structures

(1) Other structures or uses ~~determined~~ listed below when ~~by the Planning Director to be~~ customarily accessory or incidental to any use permitted or approved in this district.

(a) Garages or carports;

- (b) Pump houses;
- (c) Garden sheds;
- (d) Workshops;
- (e) Storage sheds;
- (f) Greenhouses,
- (g) Woodsheds;
- (h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;
- (i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;
- (j) Sport courts
- (k) Gazebos, pergolas, and detached decks;
- (l) Fences, gates, or gate support structures; and
- (m) Similar structures.

(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.

(3) If the accessory structure has a bathroom or kitchen facilities, then prior to issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

Section 6. §§ 33.2025, 33.2225, 33.2425, 35.2025, 35.2225, 36.2025 Review Uses are amended as follows:

33.2025 Review Uses

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(M) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2020 Allowed Uses.

33.2225 Review Uses

* * *

(M) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2220 Allowed Uses.

33.2425 Review Uses

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(M) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2420 Allowed Uses.

35.2025 Review Uses

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(K) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2020 Allowed Uses.

35.2225 Review Uses

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(M) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2220 Allowed Uses.

36.2025 Review Uses

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(M) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 36.2020 Allowed Uses.

Section 5. §§33.2620 (P), 34.2620 (P), MCC 35.2620 (P), MCC 36.2620(P) Allowed Uses are amended as follows:

(P) Accessory Structures

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in such as garages, carports, studios, pergolas, private workshops, barns, loafing sheds, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds;

(f) Greenhouses;

(g) Woodsheds;

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;

(i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;

(j) Sport courts

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Similar structures.

(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.

(3) If the accessory structure has a bathroom or kitchen facilities, then prior to issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

Section 6. §§33.2625, 34.2625, 35.2625 and 36.2625 Review Uses are amended as follows:

33.2625 Review Uses

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(Q) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2620 Allowed Uses.

34.2625 Review Uses

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(Q) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 34.2620 Allowed Uses.

35.2625 Review Uses

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(Q) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.2620 Allowed Uses.

36.2625 Review Uses

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(S) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the "accessory structures" standard in MCC 36.2620 Allowed Uses.

FIRST READING:

September 20, 2007

SECOND READING AND ADOPTION:

September 27, 2007

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON




Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services