

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

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35, 36 and 38 Relating to Accessory Structures and setback requirements for small structures, fences and retaining walls.

(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, 34.0140, 35.0140, 36.0140, 37.0710, and 38.0340 and in ORS 215.110.
- b. Planning Commission Resolution No. PC 2016-4940 relates to Accessory Structure and Setback regulations in unincorporated Multnomah County. This PC Resolution addresses the numerous comments Planning Staff have received 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.
- c. This ordinance is 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.
- d. 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).
- e. 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 33.0005, 34.0005, 35.0005 and 36.0005 are amended as follows:

- § 33.0005 **DEFINITIONS.**
- § 34.0005 **DEFINITIONS.**
- § 35.0005 **DEFINITIONS.**
- § 36.0005 **DEFINITIONS.**

* * *

Cooking Facilities – Facilities such as a range, stove, oven, hotplate, microwave, or similar facilities, but not including a facility designed primarily for room heating, such as a wood or pellet stove.

* * *

Section 2. MCC 33.0565, 34.0565, 35.0565 and 36.0565 are added as follows:

- § 33.0565 **CONDITION OF APPROVAL – ACCESSORY STRUCTURES.**
- § 34.0565 **CONDITION OF APPROVAL – ACCESSORY STRUCTURES.**
- § 35.0565 **CONDITION OF APPROVAL – ACCESSORY STRUCTURES.**
- § 36.0565 **CONDITION OF APPROVAL – ACCESSORY STRUCTURES.**

Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.

Section 3. MCC 33.2020 is amended as follows:

- § 33.2020 **ALLOWED USES.**

* * *

(T) Accessory Structures subject to the following:

(1) The Accessory Structure is ~~Other structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district ~~located within 100 feet of the dwelling~~ and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

- (m) ~~Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and~~
- (n) ~~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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~
- (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. The Accessory Structure may contain one sink.~~
- (4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~
 - (a) ~~More than one story;~~
 - (b) ~~Cooking Facilities;~~
 - (c) ~~A toilet;~~
 - (d) ~~Bathing facilities such as a shower or bathing tub;~~
 - (e) ~~A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or~~
 - (f) ~~A closet built into a wall.~~
- (5) ~~Compliance with MCC 33.0565 is required.~~
- (6) ~~The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.~~
- (7) ~~An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.~~
- (8) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~

* * *

Section 4. MCC 33.2220 is amended as follows:

§ 33.2220 ALLOWED USES.

* * *

(T) Accessory Structures subject to the following:

(1) ~~The Accessory Structure is Other structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district ~~located within 100 feet of the dwelling and is a structure identified in the following list:~~

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be~~ designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 33.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 5. MCC 33.2420 is amended as follows:

§ 33.2420 **ALLOWED USES.**

* * *

(T) Accessory Structures subject to the following:

(1) The Accessory Structure is ~~Other structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district ~~located within 100 feet of the dwelling~~ and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

~~(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. The Accessory Structure may contain one sink.~~

~~(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

~~(a) More than one story;~~

~~(b) Cooking Facilities;~~

~~(c) A toilet;~~

~~(d) Bathing facilities such as a shower or bathing tub;~~

~~(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or~~

~~(f) A closet built into a wall.~~

~~(5) Compliance with MCC 33.0565 is required.~~

~~(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.~~

~~(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.~~

~~(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~

* * *

Section 6. MCC 33.2620 is amended as follows:

§ 33.2620 **ALLOWED USES.**

* * *

(O) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 33.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 7. MCC 33.2820 is amended as follows:

§ 33.2820 **ALLOWED USES.**

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

~~(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. The Accessory Structure may contain one sink.~~

~~(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

~~(a) More than one story;~~

~~(b) Cooking Facilities;~~

~~(c) A toilet;~~

~~(d) Bathing facilities such as a shower or bathing tub;~~

~~(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or~~

~~(f) A closet built into a wall.~~

~~(5) Compliance with MCC 33.0565 is required.~~

~~(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.~~

~~(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.~~

~~(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~

* * *

Section 8. MCC 33.3120 is amended as follows:

§ 33.3120 **ALLOWED USES.**

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 33.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall

be considered through the Review Use provisions.

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

* * *

Section 9. MCC 33.3320 is amended as follows:

§ 33.3320 **ALLOWED USES.**

* * *

(F) Accessory Structures subject to the following:

(1) ~~The Accessory Structure is Structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be~~ designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

- (a) More than one story;
 - (b) Cooking Facilities;
 - (c) A toilet;
 - (d) Bathing facilities such as a shower or bathing tub;
 - (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or
 - (f) A closet built into a wall.
- (5) Compliance with MCC 33.0565 is required.
- (6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.
- (7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.
- (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

* * *

Section 10. MCC 34.2620 is amended as follows:

§ 34.2620 ALLOWED USES.

* * *

(O) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

rooms;

* * *

- (m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and
 - (n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet.~~ The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (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.~~ The Accessory Structure may contain one sink.
- (4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~ The Accessory Structure shall not contain:
- (a) More than one story;
 - (b) Cooking Facilities;
 - (c) A toilet;
 - (d) Bathing facilities such as a shower or bathing tub;
 - (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or
 - (f) A closet built into a wall.
- (5) Compliance with MCC 34.0565 is required.
- (6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.
- (7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.
- (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

* * *

Section 11. MCC 34.2820 is amended as follows:

§ 34.2820 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) ~~The Accessory Structure is Structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

- (c) A toilet;
 - (d) Bathing facilities such as a shower or bathing tub;
 - (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or
 - (f) A closet built into a wall.
- (5) Compliance with MCC 34.0565 is required.
- (6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.
- (7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.
- (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

* * *

Section 12. MCC 34.3120 is amended as follows:

§ 34.3120 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

~~(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. The Accessory Structure may contain one sink.~~

~~(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

~~(a) More than one story;~~

~~(b) Cooking Facilities;~~

~~(c) A toilet;~~

~~(d) Bathing facilities such as a shower or bathing tub;~~

~~(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or~~

~~(f) A closet built into a wall.~~

~~(5) Compliance with MCC 34.0565 is required.~~

~~(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.~~

~~(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.~~

~~(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~

* * *

Section 13. MCC 34.3320 is amended as follows:

§ 34.3320 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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. The Accessory Structure may contain one sink.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 34.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 14. MCC 35.2020 is amended as follows:

§ 35.2020 ALLOWED USES.

* * *

(T) Accessory Structures subject to the following:

(1) The Accessory Structure is Other structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district located within 100 feet of the dwelling and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

~~(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. The Accessory Structure may contain one sink.~~

~~(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

~~(a) More than one story;~~

~~(b) Cooking Facilities;~~

~~(c) A toilet;~~

~~(d) Bathing facilities such as a shower or bathing tub;~~

~~(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or~~

~~(f) A closet built into a wall.~~

~~(5) Compliance with MCC 35.0565 is required.~~

~~(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.~~

~~(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.~~

~~(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~

* * *

Section 15. MCC 35.2220 is amended as follows:

§ 35.2220 ALLOWED USES.

* * *

(T) Accessory Structures subject to the following:

(1) ~~The Accessory Structure is Other structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district ~~located within 100 feet of the dwelling and is a structure identified in the following list:~~

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 35.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 16. MCC 35.2620 is amended as follows:

§ 35.2620 ALLOWED USES.

* * *

(O) Accessory Structures subject to the following:

(1) ~~The Accessory Structure is Structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

~~(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

~~(a) More than one story;~~

~~(b) Cooking Facilities;~~

~~(c) A toilet;~~

~~(d) Bathing facilities such as a shower or bathing tub;~~

~~(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or~~

~~(f) A closet built into a wall.~~

~~(5) Compliance with MCC 35.0565 is required.~~

~~(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.~~

~~(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.~~

~~(8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~

* * *

Section 17. MCC 35.2820 is amended as follows:

§ 35.2820 **ALLOWED USES.**

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

- (m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

- (n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

- (a) More than one story;

- (b) Cooking Facilities;

- (c) A toilet;

- (d) Bathing facilities such as a shower or bathing tub;

- (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

- (f) A closet built into a wall.

(5) Compliance with MCC 35.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 18. MCC 35.3120 is amended as follows:

§ 35.3120 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 35.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 19. MCC 35.3320 is amended as follows:

§ 35.3320 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units.

heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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. The Accessory Structure may contain one sink.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 35.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 20. MCC 36.2020 is amended as follows:

§ 36.2020 ALLOWED USES.

* * *

(T) Accessory Structures subject to the following:

(1) The Accessory Structure is ~~Other structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district located within 100 feet of the dwelling and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet.~~ The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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.~~ The Accessory Structure may contain one sink.

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~ The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

- (c) A toilet;
 - (d) Bathing facilities such as a shower or bathing tub;
 - (e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or
 - (f) A closet built into a wall.
- (5) Compliance with MCC 36.0565 is required.
- (6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.
- (7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.
- (8) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

* * *

Section 21. MCC 36.2620 is amended as follows:

§ 36.2620 ALLOWED USES.

* * *

(O) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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. The Accessory Structure may contain one sink.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 36.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 22. MCC 36.2820 is amended as follows:

§ 36.2820 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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. The Accessory Structure may contain one sink.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 36.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 23. MCC 36.3120 is amended as follows:

§ 36.3120 ALLOWED USES.

* * *

(G) Accessory Structures subject to the following:

(1) ~~The Accessory Structure is Structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be~~ designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other

residential use.

(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.~~ The Accessory Structure may contain one sink.

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~ The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 36.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 24. MCC 36.3320 is amended as follows:

§ 36.3320 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) ~~The Accessory Structure is Structures or uses listed below when~~ customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) ~~Similar structures.~~ Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 36.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 25. MCC 36.3420 is amended as follows:

§ 36.3420 ALLOWED USES.

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(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.~~ The Accessory Structure may contain one sink.

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.~~ The Accessory Structure shall not contain:

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 36.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall be considered through the Review Use provisions.

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

* * *

Section 26. MCC 36.3520 is amended as follows:

§ 36.3520 **ALLOWED USES.**

* * *

(F) Accessory Structures subject to the following:

(1) The Accessory Structure is Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district and is a structure identified in the following list:

* * *

(e) Storage sheds, including shipping containers used for storage only;

* * *

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

* * *

(m) Similar structures. Mechanical equipment such as air conditioning units, heat pumps and electrical boxes; and

(n) 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 foot print of all other accessory buildings on the property shall not exceed 2500 square feet. The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.~~

(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. The Accessory Structure may contain one sink.~~

(4) ~~Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions. The Accessory Structure shall not contain:~~

(a) More than one story;

(b) Cooking Facilities;

(c) A toilet;

(d) Bathing facilities such as a shower or bathing tub;

(e) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(f) A closet built into a wall.

(5) Compliance with MCC 36.0565 is required.

(6) The combined footprints of all Accessory Buildings on a Lot of Record shall not exceed 2,500 square feet.

(7) An Accessory Structure exceeding any of the Allowed Use provisions above shall

be considered through the Review Use provisions.

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

* * *

Section 27. MCC 33.2025 is amended as follows:

§ 33.2025 REVIEW USES

* * *

(L) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 33.0565 is required.

* * *

Section 28. MCC 33.2225 is amended as follows:

§ 33.2225 REVIEW USES

* * *

(L) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 33.0565 is required.

* * *

Section 29. MCC 33.2425 is amended as follows:

§ 33.2425 REVIEW USES

* * *

(L) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 33.0565 is required.

* * *

Section 30. MCC 33.2625 is amended as follows:

§ 33.2625 REVIEW USES

* * *

(O) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 33.0565 is required.

* * *

Section 31. MCC 33.2825 is amended as follows:

§ 33.2825 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 33.2820 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 33.0565 is required.

* * *

Section 32. MCC 33.3125 is amended as follows:

§ 33.3125 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 33.3120 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 33.0565 is required.

* * *

Section 33. MCC 33.3325 is amended as follows:

§ 33.3325 REVIEW USES

* * *

(I) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 33.0565 is required.

* * *

Section 34. MCC 34.2625 is amended as follows:

§ 34.2625 REVIEW USES

* * *

(O) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 34.0565 is required.

* * *

Section 35. MCC 34.2825 is amended as follows:

§ 34.2825 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 34.2820 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 34.0565 is required.

* * *

Section 36. MCC 34.3125 is amended as follows:

§ 34.3125 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 34.3120 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 34.0565 is required.

* * *

Section 37. MCC 34.3325 is amended as follows:

§ 34.3325 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 34.3320 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 34.0565 is required.

* * *

Section 38. MCC 35.2025 is amended as follows:

§ 35.2025 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 35.2020 Allowed Uses, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 35.0565 is required.

* * *

Section 39. MCC 35.2225 is amended as follows:

§ 35.2225 REVIEW USES

* * *

(L) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 35.0565 is required.

* * *

Section 40. MCC 35.2625 is amended as follows:

§ 35.2625 REVIEW USES

* * *

(O) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 35.0565 is required.

* * *

Section 41. MCC 35.2825 is amended as follows:

§ 35.2825 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 35.2820 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 35.0565 is required.

* * *

Section 42. MCC 35.3125 is amended as follows:

§ 35.3125 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 35.3120 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 35.0565 is required.

* * *

Section 43. MCC 35.3325 is amended as follows:

§ 35.3325 REVIEW USES

* * *

(I) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 35.0565 is required.

* * *

Section 44. MCC 36.2025 is amended as follows:

§ 36.2025 REVIEW USES

* * *

(L) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 36.0565 is required.

* * *

Section 45. MCC 36.2625 is amended as follows:

§ 36.2625 REVIEW USES

* * *

(P) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 36.0565 is required.

* * *

Section 46. MCC 36.2825 is amended as follows:

§ 36.2825 REVIEW USES

* * *

(I) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 36.0565 is required.

* * *

Section 47. MCC 36.3125 is amended as follows:

§ 36.3125 REVIEW USES

* * *

(I) 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, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 36.0565 is required.

* * *

Section 48. MCC 36.3325 is amended as follows:

§ 36.3325 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 36.2820 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 36.0565 is required.

* * *

Section 49. MCC 36.3425 is amended as follows:

§ 36.3425 REVIEW USES

* * *

(I) 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, but which meet the following provisions:

(1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(2) The Accessory Structure shall not contain a bathing tub.

(3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.

(7) Compliance with MCC 36.0565 is required.

* * *

Section 50. MCC 36.3525 is amended as follows:

§ 36.3525 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 36.3520 Allowed Uses, but which meet the following provisions:

- (1) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.
- (2) The Accessory Structure shall not contain a bathing tub.
- (3) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.
- (4) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.
- (5) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.
- (6) The applicant must show that building features or combined building footprints exceeding the Allowed Use provisions are the minimum possible departure from the Allowed Use standards to accommodate the use.
- (7) Compliance with MCC 36.0565 is required.

* * *

Section 51. MCC 33.2660, 33.2855, 33.3155 and 33.3355 are amended as follows:

- § 33.2660 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENTAL STANDARDS**
- § 33.2855 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 33.3155 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 33.3355 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet.
 Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

Section 52. MCC 34.2660, 34.2855, 34.3155 and 34.3355 are amended as follows:

- § 34.2660 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 34.2855 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 34.3155 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 34.3355 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet.

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a

footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

Section 53. MCC 35.2660, 35.2855, 35.3155 and 35.3355 are amended as follows:

- § 35.2660 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 35.2855 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 35.3155 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**
- § 35.3355 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet.
Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

* * *

Section 54. MCC 36.2660, 36.2855 and 36.3155 are amended as follows:

§ 36.2660 **DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

§ 36.2855 **DIMENSIONAL STANDARDS-REQUIREMENTS AND DEVELOPMENT REQUIREMENTS STANDARDS**

§ 36.3155 **DIMENSIONAL STANDARDS REQUIREMENTS AND DEVELOPMENT REQUIREMENTS STANDARDS**

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet.

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

* * *

Section 55. MCC 36.3355, 36.3455 and 36.3550 are amended as follows:

§ 36.3355 **DIMENSIONAL STANDARDS REQUIREMENTS AND DEVELOPMENT STANDARDS REQUIREMENTS**

§ 36.3455 **DIMENSIONAL STANDARDS-REQUIREMENTS AND DEVELOPMENT REQUIREMENTS STANDARDS**

§ 36.3550 **DIMENSIONAL STANDARDS-REQUIREMENTS AND DEVELOPMENT REQUIREMENTS STANDARDS**

* * *

(B) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet.
Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

* * *

Section 56. MCC 33.2056, 33.2256 and 33.2456 are amended as follows:

- § 33.2056 **FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES**
- § 33.2256 **FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES**
- § 33.2456 **FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

Use	Forest Practice Setbacks			Fire Safety Zones
	Nonconforming	Front	All Other	Fire Safety Zone
Description of use				

and location	Setbacks	Property Line Adjacent to County Maintained Road (feet)	Setbacks (feet)	Requirements (FSZ)
* * *				
Other Accessory structures	N/A	30	130	Primary & Secondary required
<u>Fences and Retaining Walls</u>	<u>N/A</u>	<u>Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.</u>	<u>Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.</u>	<u>N/A</u>
* * *				

Section 57. MCC 35.2056 and 35.2256 are amended as follows:

- § 35.2056 **FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES**
- § 35.2256 **FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

Use	Forest Practice Setbacks			Fire Safety Zones
	Nonconforming	Front	All Other	Fire Safety Zone
Description of use				

and location	Setbacks	Property Line Adjacent to County Maintained Road (feet)	Setbacks (feet)	Requirements (FSZ)
* * *				
Other Accessory structures	N/A	30	130	Primary & Secondary required
<u>Fences and Retaining Walls</u>	<u>N/A</u>	<u>Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.</u>	<u>Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.</u>	<u>N/A</u>
* * *				

Section 58. MCC 36.2056 is amended as follows:

§ 36.2056 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Table 1

Use	Forest Practice Setbacks			Fire Safety Zones
	Nonconforming Setbacks	Front Property Line	All Other Setbacks	Fire Safety Zone Requirements
Description of use and location				

		Adjacent to County Maintained Road (feet)	(feet)	(FSZ)
* * *				
Other Accessory structures	N/A	30	130	Primary & Secondary required
<u>Fences and Retaining Walls</u>	<u>N/A</u>	<u>Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.</u>	<u>Subject to all other applicable Code provisions, a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.</u>	<u>N/A</u>
* * *				

Section 59. MCC 38.0015 is amended as follows:

§ 38.0015 DEFINITIONS.

* * *

Cooking Facilities: Facilities such as a range, stove, oven, hotplate, microwave, or similar facilities, but not including a facility designed primarily for room heating, such as a wood or pellet stove.

* * *

Section 60. MCC 38.1005 is amended as follows:

§ 38.1005 ALLOWED USES

(A) The following uses may be allowed without review in all zone districts except General Management Area Open Space (GGO, GGO-GW, and GGO-SP) and Special Management Area Open Space (GSO) zone districts.

* * *

(4) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities.

(a) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(b) The Accessory Structure may contain one sink.

(c) The Accessory Structure shall not contain:

(i) More than one story;

(ii) Cooking Facilities;

(iii) A toilet;

(iv) Bathing facilities such as a shower or bathing tub;

(v) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(vi) A closet built into a wall.

(d) Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.

* * *

Section 61. MCC 38.1010 is amended as follows:

§ 38.1010 EXPEDITED USES

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

(1) Except in Open Space zoning districts, accessory structures between 60 and 200 square feet in area and 10 feet or less in height which also meet the provisions (a)-(d) below. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(a) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(b) The Accessory Structure may contain one sink.

(c) The Accessory Structure shall not contain:

(i) More than one story;

(ii) Cooking Facilities;

(iii) A toilet;

(iv) Bathing facilities such as a shower or bathing tub;

(v) A mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage; or

(vi) A closet built into a wall.

(d) Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.

(2) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Additions and covered decks for existing Accessory Structures shall also meet the provisions A(1)(a)-(d) above. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

* * *

Section 62. MCC 38.2025 is amended as follows:

§ 38.2025 REVIEW USES

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530(B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(8) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited review process, or allowed in (9) or (10).

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to MCC 38.7305, ~~and~~ MCC 38.7315, MCC 38.7390 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(10) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to MCC 38.7305, ~~and~~ MCC 38.7315, MCC 38.7390 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

* * *

Section 63. MCC 38.2060 is amended as follows:

§ 38.2060 DIMENSIONAL REQUIREMENTS

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

* * *

Section 64. MCC 38.2225 is amended as follows:

§ 38.2225 REVIEW USES

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530(B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225(A)(5) or MCC 38.2225(A)(6).

(5) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(c) The accessory building satisfies the standards in MCC 38.7390.

(6) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the

following additional standards:

- (a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
- (b) The footprint of any individual accessory building shall not exceed 1,500 square feet.
- (c) The height of any individual accessory building shall not exceed 24 feet.
- (d) The accessory building satisfies the standards in MCC 38.7390.

* * *

Section 65. MCC 38.2425 is amended as follows:

§ 38.2425 REVIEW USES

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530(B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

- (B) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (C) below.
- (C) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

- (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
- (2) The height of any individual accessory building shall not exceed 24 feet.
- (3) The accessory building satisfies the standards in MCC 38.7390.

* * *

Section 66. MCC 38.2825 is amended as follows:

§ 38.2825 REVIEW USES

(A) The following uses are allowed on lands designated GG-PR, pursuant to MCC 38.0530(B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.7300, and the standards of MCC 38.7000 through 38.7085:

* * *

(b) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
2. The height of any individual accessory building shall not exceed 24 feet.
3. The accessory building satisfies the standards in MCC 38.7390.

* * *

Section 67. MCC 38.3025 is amended as follows:

§ 38.3025 REVIEW USES

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530(B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(c) The accessory building satisfies the standards in MCC 38.7390.

* * *

Section 68. MCC 38.3225 is amended as follows:

§ 38.3225 REVIEW USES

The following uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

* * *

(C) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

(D) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

(3) The accessory building satisfies the standards in MCC 38.7390.

* * *

Section 69. MCC 38.7390 is added as follows:

§ 38.7390 ACCESSORY STRUCTURES

(A) The Accessory Structure shall not be designed or used, whether temporarily or permanently, as a primary dwelling, accessory dwelling unit, apartment, guesthouse, housing rental unit, sleeping quarters or any other residential use.

(B) The Accessory Structure shall not contain a bathing tub.

(C) Any toilet or bathing facilities, such as a shower, shall be located on the ground floor of any multi-story building.

(D) An Accessory Structure containing a toilet or bathing facilities shall not contain Cooking Facilities.

(E) The Accessory Structure shall not contain a mattress, bed, Murphy bed, cot, or any other similar item designed to aid in sleep as a primary purpose, unless such item is disassembled for storage.

(F) The applicant must show that building features exceeding the Allowed Use or Expedited Use provisions are the minimum possible departure from the Allowed Uses or Expedited Use standards to accommodate the use.

(G) Prior to issuance of any development permit involving an Accessory Building, the property owner shall record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use.

(H) An Agricultural Structure or Agricultural Building in conjunction with an Agricultural Use as those terms are defined in MCC 38.0015 are not subject to these provisions.

Section 70. MCC 38.2260 is amended as follows:

§ 38.2260 DIMENSIONAL REQUIREMENTS

* * *

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 25 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Major Variance is required for any Accessory Structure that encroaches more than 25 percent into any required Yard.

* * *

Section 71. MCC 38.2460 is amended as follows:

§ 38.2460 DIMENSIONAL REQUIREMENTS

* * *

(E) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 25 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Major Variance is required for any Accessory Structure that encroaches more than 25 percent into any required Yard.

* * *

Section 72. MCC 38.2660 is amended as follows:

§ 38.2660 DIMENSIONAL REQUIREMENTS

* * *

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 25 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Major Variance is required for any Accessory Structure that encroaches more than 25 percent into any required Yard.

* * *

Section 73. MCC 38.2860 is amended as follows:

§ 38.2860 DIMENSIONAL REQUIREMENTS

* * *

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 25 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Major Variance is required for any Accessory Structure that encroaches more than 25 percent into any required Yard.

* * *

Section 74. MCC 38.3060 is amended as follows:

§ 38.3060 DIMENSIONAL REQUIREMENTS

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 25 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Major Variance is required for any Accessory Structure that encroaches more than 25 percent into any required Yard.

* * *

Section 75. MCC 38.3260 is amended as follows:

§ 38.3260 DIMENSIONAL REQUIREMENTS

* * *

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 25 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road,

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Major Variance is required for any Accessory Structure that encroaches more than 25 percent into any required Yard.

* * *

FIRST READING: _____

SECOND READING AND ADOPTION: _____

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