



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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AMENDED NOTICE OF ADOPTED AMENDMENT

October 17, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Multnomah County Plan Amendment
DLCD File Number 009-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 31, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
George Plummer, Multnomah County

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

OCT 11 2007

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Multnomah County Local File No.: PC-06-001
(If no number, use none)

Date of Adoption: 9/27/07 Date Mailed: 10/10/07
(Must be filed in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 20, 2006
and November 22, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amends all zone districts under Chapters 33, 34, 35, and 36. Amends the "Allowed Uses" sections to include a list of accessory structures and uses and amends these sections to limit buildings allowed outright to a cumulative footprint of all accessory structures to 2,500 square feet. Amends these zone districts "Review Uses" sections to include a review use for accessory buildings not list in the "Allowed Uses" section or for accessory buildings that exceed the 2,500 square foot cumulative footprint.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

It differs because we included the Exclusive Farm Use Districts in the amendment. However we sent notice of this change to DLCD on November 22, 2006 with the proposed change. It also differs because we added some additional structures/uses to the list of allowed uses. These were included in the list under section (h) *Shelter for pets, horses, or livestock and associated buildings such as manure storage, feed storage, tack storage and indoor exercise areas.* We also added the following language (4) *Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.*

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: _____

DLCD File No.: 009-06 (15638)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: George Plummer Area Code + Phone Number: 503-988-3043x29152
Address: 1600 SE 190th City: Portland, OR
Zip Code+4: 97233 Email Address: george.a.plummer@co.2multnomah.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1100

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

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

The Multnomah County Board of Commissioners Finds:

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

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

Multnomah County Ordains as follows:

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

(F) Accessory Structures

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

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds;

(f) Greenhouses;

(g) Woodsheds;

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

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

(j) Sport courts

(k) Gazebos, pergolas, and detached decks;

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

(m) Similar structures.

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

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

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

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

(G) Accessory Structures

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

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds;

(f) Greenhouses;

(g) Woodsheds;

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

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

(j) Sport courts

(k) Gazebos, pergolas, and detached decks;

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

(m) Similar structures.

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

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

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

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

33.2825 Review Uses

* * *

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

33.3125 Review Uses

* * *

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

33.3325 Review Uses

* * *

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

34.2825 Review Uses

* * *

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

34.3125 Review Uses

* * *

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

34.3325 Review Uses

* * *

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

35.2825 Review Uses

* * *

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

35.3125 Review Uses

* * *

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

35.3325 Review Uses

* * *

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

36.3325 Review Uses

* * *

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

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

36.2825 Review Uses

* * *

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

36.3125 Review Uses

* * *

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

36.3425 Review Uses

* * *

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

36.3525 Review Uses

* * *

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

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

(T) Accessory Structures

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

(a) Garages or carports;

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

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

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

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

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

33.2025 Review Uses

* * *

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

33.2225 Review Uses

* * *

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

33.2425 Review Uses

* * *

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

35.2025 Review Uses

* * *

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

35.2225 Review Uses

* * *

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

36.2025 Review Uses

* * *

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

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

(P) Accessory Structures

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

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds;

(f) Greenhouses;

(g) Woodsheds;

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

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

(j) Sport courts

(k) Gazebos, pergolas, and detached decks;

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

(m) Similar structures.

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

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

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

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

33.2625 Review Uses

* * *

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

34.2625 Review Uses

* * *

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

35.2625 Review Uses

* * *

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

36.2625 Review Uses

* * *

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

FIRST READING: _____ September 20, 2007

SECOND READING AND ADOPTION: _____ September 27, 2007

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

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