

Recommendation: Amend Chapter 33.120, Multi Dwelling Zones, as follows.

**Chapter 33.120
Multi Dwelling Zones**

33.120.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all regulations for that use and all applicable development standards. In addition, some specific accessory uses have additional requirements as indicated below.

- A. Accessory home occupations, ~~rental~~ Accessory dwelling units, and bed and breakfast facilities.** Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory ~~rental~~ dwelling units, and bed and breakfast facilities have specific regulations in Chapters 33.203, 33.205, and 33.212 respectively.

| Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones | | | | | | |
|--|--|------------|------------|------------|------------|------------|
| Housing Type | R 3 | R 2 | R 1 | RH | R X | IR |
| House | Yes | Yes | Yes | Yes | Yes | Yes |
| Attached House (See 33.120.270 C.) | Yes | Yes | Yes | Yes | Yes | Yes |
| <u>Accessory dwelling unit</u> (See 33.205) | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> |
| Duplex | Yes | Yes | Yes | Yes | Yes | Yes |
| Multi-Dwelling Structure | Yes [1] | Yes | Yes | Yes | Yes | Yes |
| Multi-Dwelling Development | Yes | Yes | Yes | Yes | Yes | Yes |
| Manufactured Home (See Chapter 33.251) | Yes | Yes | Yes | Yes | Yes | Yes |
| Mobile Home Park (See Chapter 33.251) | Yes | Yes | No | No | No | No |
| Houseboat (See Chapter 33.236) | Yes | Yes | Yes | Yes | Yes | Yes |
| Single Room Occupancy (SRO) units | No | No | Yes | Yes | Yes | Yes |
| Group Structures | Only when in conjunction with an approved conditional use. See also Chapter 33.239. | | | | | |

Yes = allowed; No = prohibited.

Notes:

[1] Multi-dwelling development is limited to no more than eight units per building.

Commentary

33.120.220 & .280 Setbacks and Detached Accessory Structures

These amendments are not substantive, but will maintain code consistency.

33.120.220 Setbacks

A-B. [No change]

C. Extensions into required building setbacks.

1. [No change]
2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.120.280 below. Fences are addressed in 33.120.285 below. Detached accessory dwelling units are addressed in Chapter 33.205. Signs are addressed in Chapter 33.286.

33.120.280 Detached Accessory Structures

A. Purpose. This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front yard areas.

B. General standards.

1. The regulations of this section apply to all detached accessory structures ~~only~~. except for detached accessory dwelling units. The regulations for detached accessory dwelling units are stated in Chapter 33.205.
2. Accessory structures must be constructed in conjunction with or after the primary building. They may not be built prior to the construction of the primary structure.
3. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to detached accessory structures.

Section IV: Ordinance

Ordinance No.

Amend Chapter 33.205 Accessory Rental Units and related provisions of the Portland Zoning Code. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

General Findings

1. The Comprehensive Plan for the City of Portland was adopted by City Council in October, 1980 (Ordinance No. 150580). Comprehensive Plan Policy 4.4 (Housing Choice and Neighborhood Stability) supports actions which increase housing choices for Portland's citizens.
2. The Portland Comprehensive Plan and its implementing ordinances were acknowledged by the Oregon Land Conservation and Development Commission in May, 1981. On May 26, 1995, the LCDC completed its review of the City's local periodic review order and periodic review work program.
3. In 1981, the Portland Zoning Code allowed Accessory Rental Units in One Family Residential Zones in very limited situations. In January 1991, the Code was amended to slightly modify where accessory rental units would be permitted. Throughout the period from 1981 to the present, accessory rental units citywide have been limited to internal conversion of living space within large, older, owner-occupied homes.
4. Portland permit data indicates a very slow rate of accessory dwelling unit creation from 1981 - 1996, with just under 50 units created legally. This represents less than 3/10ths of 1% of all new units created during the period. US Census housing data indicates far more accessory units created illegally.
5. On August 18, 1997, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post acknowledgment review process required by OAR 660-18-020.
6. On July 8, 1997, the Planning Commission held a hearing on the proposed amendments. The Commission considered a number of issues and continued the hearing to August 26, 1997, at which time they voted on recommended amendments to Chapter 33.205 Accessory Rental Units for consideration by the City Council.
7. The amendments to Chapter 33.205 of the City Zoning Code will add flexibility to the City's standards for accessory dwelling units to create new housing choices while respecting the look and scale of single-dwelling neighborhoods. The amendments also comply with Title 1, Section 2. C of Metro's Urban Growth Management Functional Plan.

Statewide Planning Goal Findings

8. **Goal 1, Citizen Involvement**, of the State Planning Goals requires that opportunities for citizens to be involved in all phases of the planning process be assured. These amendments were submitted to the Planning Commission and to the City Council following adopted procedures which comply with State planning statutes.
9. On June 6, 1997, notice of a public hearing before the Planning Commission was mailed to all recognized neighborhood and business organizations and interested persons who have requested such notice as required by Portland City Code, Chapter 33.740.020, Legislative Procedure. On September 24, 1997, notice of the City Council hearing was sent to all recognized neighborhood and business organizations; to all people who testified on the issue before the Planning Commission, either in writing or in person; and to all persons who requested such notice.
10. **Goal 2, Land Use Planning**, requires the development of a process and policy framework which acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The Planning Commission has considered both policy language and map and zoning amendments and has forwarded a recommendation to the City Council. Following this City Council action, the project must then meet the development standards of all codes of the City, including regulations of the zoning and subdivision codes.
11. **Goal 9, Economic Development**, calls for providing adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of citizens. By allowing accessory dwelling units, homeowners can maintain their property and residency in the home with the help of the additional income. For the elderly or "empty nesters" with surplus housing space in existing homes, another option is to trade needed services for a portion of the rent on the accessory unit.
12. **Goal 10, Housing**, calls for including provisions that help the City meet the housing needs of the state. The City's CHAS study documents the need for new affordable housing. The growing demand for more affordable housing has resulted in many communities reviewing their standards for permitting accessory units. Since accessory units are built to serve people in transition, they often provide housing for students and elderly who are particularly vulnerable to costs of housing.
13. **Goal 11, Public Facilities and Services**, calls for planning and development of timely, orderly and efficient public service facilities that can serve as a framework for the urban development of the City. Accessory dwelling units in new subdivisions will not overburden newly planned facilities. The 1-2 person occupancy expected of an accessory unit will balance the declining average household size of the primary unit. In most of Portland, existing infrastructure is in place and will not be burdened by this incremental infill.
14. **Goal 12, Transportation**, calls for the development of a safe, convenient and economic transportation system. Accessory units provide for an small, incremental increase in density in Portland's single dwelling zones which

include an existing transportation system and the capital improvement program for maintenance and planned improvements serving all modes of transportation.

15. **Goal 13, Energy Conservation**, calls for a land use pattern that maximizes the conservation of energy. Accessory dwelling units provide additional living space within the confines of the primary dwelling or detached building, such as a garage or workshop. Existing houses may return occupancy to underutilized space, and investments into small accessory unit additions will likely provide for better use of existing space. The increase in living units within single dwelling zones supports policies to provide compact urban form using existing energy and transportation facilities.
16. **Goal 14, Urbanization**, calls for the orderly and efficient transition of rural lands to urban use. The amendments enhance the City's compliance with this Goal by allowing slight intensification of development in single dwelling zones where public services are presently provided with scheduled and planned improvements. The amendments support the regional urban growth boundary by assuring that development opportunities exist in this urbanized area, consequently reducing potential need for conversion of rural lands to urban uses.
17. Certain Statewide Planning Goals do not apply to the specific amendments for accessory dwelling units, as follows: **Goal 3, Agricultural Lands**, calls for preserving and maintaining agricultural lands; **Goal 4, Forest Lands**, calls for preserving and maintaining forest lands; **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, calls for the conservation of open space and the protection of natural, historical, and scenic resources; **Goal 6, Air, Water, and Land Resources Quality**, calls for maintenance and improvement of the quality of these resources; **Goal 7, Areas Subject to Natural Disasters and Hazards**, calls for protection of life and property from natural disasters and hazards; **Goal 8, Recreational Needs**, calls for satisfying the recreational needs of both citizens of, and visitors to, the state; and **Goal 15, Willamette River Greenway**, calls for the protection, conservation, and maintenance of the natural, scenic, historic, agricultural, and recreational qualities of land along the Willamette River.
18. **Goals 16, 17, 18, and 19** deal with **Estuarine Resources, Coastal Shorelines, Beaches and Dunes**, and **Ocean Resources** respectively. These goals are not applicable to Portland as none of these resources are present with the City limits.

Metro Urban Growth Management Functional Plan Findings

19. **Title 1** of the Functional Plan addresses the requirements for Housing and Employment Accommodation for local jurisdictions in the Metro region. This requirement would be generally implemented through city-wide analysis based on calculated capacities from land use designations.

However, a specific requirement that is a part of this Title restricts the city from prohibiting the construction of at least one accessory unit within any detached single family dwelling that is permitted to be built in any zone. The code amendment would bring Portland's Zoning Code into compliance with Title 1 by eliminating the current restriction for accessory rental units to only be created if an existing house is over five years old. Title 1 does allow the city to adopt

reasonable regulations for accessory units that may include, but are not limited to, size, lighting, entrances and owner occupancy of the primary unit. The code amendment does contain reasonable regulations of this type, including prohibiting accessory units where the primary dwelling contains a Type B home occupation. Type B home occupations are where either one employee or customers come to the site.

20. **Title 2** of the Functional Plan regulates the amount of parking permitted by use for jurisdictions in the region. The one minor change related to parking in these amendments is consistent with Title 2 because it provides for off-street parking where there are concerns for public safety due to roadway widths. The City will be updating city-wide parking regulations to meet this Title.
21. **Title 3** of the Functional Plan protects the beneficial uses and functional values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. These amendments do not apply to this Title because they are limited to siting accessory dwelling units on existing lots zoned for single dwellings, consistent with the base and overlay zone regulations. The City will be reviewing and updating local regulations to implement this Title city-wide.
22. **Title 4** of the Functional Plan ensures that there is supportive retail development in Employment and Industrial areas, but it protects these areas from having retail that serves a larger market area. This Title does not apply to these amendments because they do not deal with retail development.
23. **Title 5** of the Functional Plan defines Metro's policy regarding areas outside of the Urban Growth Boundary. These amendments are not inconsistent with Metro's policies regarding protection of rural reserves and green corridors. The areas of the City of Portland that are outside the Urban Growth Boundary are generally zoned low density residential farming (RF). The approval criteria for accessory dwelling units in RF zones is designed to protect and maintain the rural nature of the zone..
24. **Title 6** of the Functional Plan addresses Regional Accessibility. It recognizes the link between mode split, levels of congestion, street design and connectivity in creating a transportation system that works and supports the desired land use concept. This title does not apply to these amendments because they are limited to siting accessory dwelling units in single dwelling zones.
25. **Title 7** of the Functional Plan relates to Affordable Housing and recommends that local jurisdictions implement tools to facilitate development of affordable housing. The amendment is consistent with this title because accessory dwelling units represent an affordable housing choice that is accessible to persons looking for less living space. The average cost of converting interior space to an accessory unit is about one-third the cost of constructing new units of comparable size, and even less if the owner does some of the work. Accessory units serve students and elderly whose circumstances of being neither children or working adults places them particularly vulnerable to costs of housing. Overall, cost are also low because the incremental increase in population from accessory units will utilize existing infrastructure already in place, or new infrastructure already planned for new single dwelling subdivisions.

26. **Title 8** of the Functional Plan requires cities and counties to document compliance with Titles 1-7. Title 8 does not apply to these amendments.

Portland Comprehensive Plan Goal Findings

27. **Goal 1, Metropolitan Coordination**, calls for these amendments to be supportive of the regional planning framework. The amendments support Title 1, Section 2. C of Metro's Urban Growth Management Functional Plan which restricts the city from prohibiting the construction of at least one accessory unit within any detached single family dwelling.
28. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by increasing opportunities for housing and jobs. The amendments provide for more flexibility for citizens to find housing choices without destroying the cohesiveness and character of existing neighborhoods
29. **Goal 3, Neighborhoods**, calls for the preservation of the City's neighborhoods while allowing for increased density. Accessory dwelling units allow reinvestment and improvement in houses that are familiar to neighbors and residents. Generally, where there is reinvestment and residences are well maintained, the neighborhood will maintain its character without significant change for 80 to 100 years and more. Reinvestment in the existing housing stock by allowing for small incremental increases in density while maintaining neighborhood character is possible by allowing more flexibility in siting accessory dwelling units.
30. **Goal 4, Housing**, calls for a diversity in housing types, locations, densities, and costs. The amendments support expanding opportunities for siting accessory dwelling units to meet the need for affordable housing choices in more locations, especially single dwelling zones. The average cost of converting interior space to an accessory apartment is about one-third the cost of constructing new units of comparable size. Overall, costs are also low because the incremental increase in population from accessory units will utilize existing infrastructure, or new infrastructure already planned for new single dwelling subdivisions.

Accessory units serve many family needs. Demographics show a majority of families have either single or two working household heads, often necessitating a college student, grandparent or other person to help with home care activities. Changes in technology and workplaces are advancing the popularity of telecommuting (working at home) and part-time employment. Accessory units may be sources of income as rental units or simply used as an extension of the home, such as office or some other accessory living space.

31. **Goal 5, Economic Development**, calls for a strong and diverse economy which provides many employment and economic choices for individuals and families in all parts of the city. Accessory dwelling units provide flexibility for different housing and living needs of Portland's families and individuals.
32. **Goal 6, Transportation**, calls for a balanced, affordable and efficient transportation system. Indirectly, these amendments support the transportation

goal by providing slight increases in density where urban streets and arterials already serve existing neighborhoods.

33. **Goal 7, Energy**, calls for increasing energy efficiency through land use regulations. Accessory dwelling units promote a land use pattern that increases energy efficiency in buildings and transportation systems.
34. **Goal 8, Environment**, calls for air, water and natural resource conservation. This goal does not apply because no environmental functional values have been inventoried nor are any hazards expected.
35. **Goal 9, Citizen Involvement** calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. These amendments provided notice and opportunities for citizens to participate in workshops and neighborhood meetings on the identified issues as well as review and comment on the proposed amendments.
36. **Goal 10, Plan Review and Administration**, states that Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures, requires that all proposed amendments to implementing ordinances be reviewed by the Planning Commission prior to action by the City Council. The amendments comply with the policy because they are being submitted to the Planning Commission and City Council following adopted procedures which comply with State planning statutes. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing urban city.
37. **Goal 11, Public Facilities and Services**, is to provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. Transportation, sanitary and storm sewer, water and other leading public facilities are in place and the City is committed to a program of maintenance and upgrading facilities as part of the annual capital improvement programming and budgetary process.
38. **Goal 12, Urban Design**, is to enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. Design standards for accessory dwelling units include elements to ensure compatibility with the primary dwelling as well as the desired character of Portland's residential zones.

ORDINANCE No.

NOW, THEREFORE, The Council directs:

- a. Adopt the Planning Commission's Report and Recommendation for Accessory Dwelling Units dated September 26, 1997, attached to and incorporated in this ordinance as Exhibit A;
- b. Amend Title 33, Planning and Zoning Code, as shown in Section III of Exhibit A, the Planning Commission's Report and Recommendation for Accessory Dwelling Units dated September 26, 1997;
- c. Adopt the commentary in the Planning Commission's Report and Recommendation for Accessory Dwelling Units dated September 26, 1997 as legislative intent and as further findings;
- d. Change the term "Accessory Rental Units" to "Accessory Dwelling Units" wherever it appears in Title 33, Planning and Zoning and other city titles.

Passed by the Council,

Commissioner Charlie Hales
Jim Claypool
October 8, 1997

BARBARA CLARK
Auditor of the City of Portland
By

Deputy

SUBSTITUTE

Ordinance No. 171879

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The City of Portland ordains:

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General Findings

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2. The Portland Comprehensive Plan and its implementing ordinances were acknowledged by the Oregon Land Conservation and Development Commission in May, 1981. On May 26, 1995, the LCDC completed its review of the City's local periodic review order and periodic review work program.
3. In 1981, the Portland Zoning Code allowed Accessory Rental Units in One Family Residential Zones in very limited situations. Throughout the period from 1981 to the present, accessory rental units citywide have been limited to internal conversion of living space within large, older, owner-occupied homes. On July 28, 1993, City Council adopted Resolution No. 35170 directing the Bureau of Planning to consider formation of city-wide regulations to govern development of detached accessory rental units and the use of incentives to encourage the construction of accessory rental units.
4. Portland permit data indicates a very slow rate of accessory dwelling unit creation from 1981 - 1996, with just under 50 units created legally. This represents less than 3/10ths of 1% of all new units created during the period. US Census housing data indicates far more accessory units created illegally.
5. On August 18, 1997, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post acknowledgment review process required by OAR 660-18-020.

6. On July 8, 1997, the Planning Commission held a hearing on the proposed amendments. The Commission considered a number of issues and continued the hearing to August 26, 1997, at which time they voted on recommended amendments to Chapter 33.205 Accessory Rental Units for consideration by the City Council. The Planning Commission hearing included testimony and discussion regarding probable impacts from these recommended amendments for accessory dwelling units. It was concluded that an assessment of development activity for a period following the effective date of the amendments would be beneficial.
7. The amendments to Chapter 33.205 of the City Zoning Code will add flexibility to the City's standards for accessory dwelling units to create new housing choices while respecting the look and scale of single-dwelling neighborhoods. The amendments also comply with Title 1, Section 2. C of Metro's Urban Growth Management Functional Plan.

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development in single dwelling zones where public services are presently provided with scheduled and planned improvements. The amendments support the regional urban growth boundary by assuring that development opportunities exist in this urbanized area, consequently reducing potential need for conversion of rural lands to urban uses.

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However, a specific requirement that is a part of this Title restricts the city from prohibiting the construction of at least one accessory unit within any detached single family dwelling that is permitted to be built in any zone. The code amendment would bring Portland's Zoning Code into compliance with Title 1 by eliminating the current restriction for accessory rental units to only be created if an existing house is over five years old. Title 1 does allow the city to adopt reasonable regulations for accessory units that may include, but are not limited to, size, lighting, entrances and owner occupancy of the primary unit.

The code amendment does contain reasonable regulations, including prohibiting accessory units where the primary dwelling contains a Type B home occupation. Type B home occupations are where either one employee or customers come to the site. Currently, there are less than 300 dwelling units with Type B permits in the entire city. Because these code provisions expand the scope of accessory dwelling units beyond the minimum requirement in Title 1, the code amendments substantially comply with the Functional Plan.

20. **Title 2** of the Functional Plan regulates the amount of parking permitted by use for jurisdictions in the region. The one minor change related to parking in these amendments is consistent with Title 2 because it provides for off-street parking where there are concerns for public safety due to roadway widths. The City will be updating city-wide parking regulations to meet this Title.
21. **Title 3** of the Functional Plan protects the beneficial uses and functional values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. These amendments do not apply to this Title because they are limited to siting accessory dwelling units on existing lots zoned for single dwellings, consistent with the base and overlay zone regulations. The City will be reviewing and updating local regulations to implement this Title city-wide.
22. **Title 4** of the Functional Plan ensures that there is supportive retail development in Employment and Industrial areas, but it protects these areas from having retail that serves a larger market area. This Title does not apply to these amendments because they do not deal with retail development.
23. **Title 5** of the Functional Plan defines Metro's policy regarding areas outside of the Urban Growth Boundary. These amendments are not inconsistent with Metro's policies regarding protection of rural reserves and green corridors. The areas of the City of Portland that are outside the Urban Growth Boundary are generally zoned low density residential farming (RF). The approval criteria for accessory dwelling units in RF zones is designed to protect and maintain the rural nature of the zone..
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26. **Title 8** of the Functional Plan outlines compliance procedures for amendments to comprehensive plan or implementing ordinances. On August 18, 1997, the 45-day notice was mailed to DLCD for consideration of our zoning ordinance change to Title 33, Chapter 205 Accessory Rental Units. A copy of the Accessory Unit/Duplex Code Amendment document dated August 18, 1997 was mailed to Metro. Notice of the City Council Hearing on the amendment was mailed to Metro on September 24, 1997, advising recipients that the report on the amendments would be available on September 26, 1997. The report contained the Planning Commission recommendation on the amendments and the ordinance with findings of consistency with Metro's Functional Plan. This was all prepared prior to the amendment to Title 8 adopted by Metro on September 25, 1997.

Portland Comprehensive Plan Goal Findings

27. **Goal 1, Metropolitan Coordination**, calls for these amendments to be supportive of the regional planning framework. The amendments support Title 1, Section 2. C of Metro's Urban Growth Management Functional Plan which restricts the city from prohibiting the construction of at least one accessory unit within any detached single family dwelling.
28. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by increasing opportunities for housing and jobs. The amendments provide for more flexibility for citizens to find housing choices without destroying the cohesiveness and character of existing neighborhoods
29. **Goal 3, Neighborhoods**, calls for the preservation of the City's neighborhoods while allowing for increased density. Accessory

dwelling units allow reinvestment and improvement in houses that are familiar to neighbors and residents. Generally, where there is reinvestment and residences are well maintained, the neighborhood will maintain its character without significant change for 80 to 100 years and more. Reinvestment in the existing housing stock by allowing for small incremental increases in density while maintaining neighborhood character is possible by allowing more flexibility in siting accessory dwelling units.

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36. **Goal 10, Plan Review and Administration**, states that Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures, requires that all proposed amendments to implementing ordinances be reviewed by the Planning Commission prior to action by the City Council. The amendments comply with the policy because they are being submitted to the Planning Commission and City Council following adopted procedures which comply with State planning statutes. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing urban city.
37. **Goal 11, Public Facilities and Services**, is to provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. Transportation, sanitary and storm sewer, water and other leading public facilities are in place and the City is committed to a program of maintenance and upgrading facilities as part of the annual capital improvement programming and budgetary process.
38. **Goal 12, Urban Design**, is to enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. Design standards for accessory dwelling units include elements to ensure compatibility with the primary dwelling as well as the desired character of Portland's residential zones.

NOW, THEREFORE, The Council directs:

- a. Adopt the Planning Commission's Report and Recommendation for Accessory Dwelling Units dated September 26, 1997, attached to and incorporated in this ordinance as Exhibit A, and as amended in Exhibit B;
- b. Amend Title 33, Planning and Zoning Code, as shown in Section III of Exhibit A and as amended in Exhibit B;
- c. Adopt the commentary in the Planning Commission's Report and Recommendation for Accessory Dwelling Units dated September 26, 1997 as legislative intent and as further findings;
- d. Change the term "Accessory Rental Units" to "Accessory Dwelling Units" wherever it appears in Title 33, Planning and Zoning and other city titles;
- e. The Bureau of Planning to report to the Planning Commission in two years from the effective date of this ordinance with an evaluation of these regulation changes. The evaluation should examine the number of accessory dwelling units established under the new code and enforcement activity, if any, that has occurred. The evaluation would also analyze whether the amendments are achieving stated objectives and, if deemed necessary, include proposed revisions to the regulations related to accessory dwelling units;
- f. In order to allow neighborhood associations to monitor the number of accessory dwelling units in their neighborhood, notice will be mailed according to procedures prescribed by the City to all recognized neighborhood associations within 100 feet of the site. The monitoring can help evaluate whether the objectives of these regulations are met. The notice will contain the address of the site and the building permit number; and
- g. In order to allow time for staff training and effective implementation of code changes, this ordinance shall be in full force and effect on February 2, 1998.

Passed by the Council, **DEC 17 1997**

Commissioner Charlie Hales
Jim Claypool
December 10, 1997

BARBARA CLARK
Auditor of the City of Portland
By

Barbara Olson Deputy

S = 1936

~~S = 1878~~

Agenda No.

SUBSTITUTE

ORDINANCE NO.

171879

Title

Amend Chapter 33.205 Accessory Rental Units and related provisions of the Portland Zoning Code. (Ordinance; amend Title 33)

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|--|---|
| INTRODUCED BY Commissioner Charlie Hales | Filed: DEC 10 1997 |
| NOTED BY COMMISSIONER | Barbara Clark Auditor of the City of Portland |
| Affairs Finance and Administration Safety <i>Ch Hales</i> Utilities Works | By: <u><i>Paul Kerchner</i></u> Deputy |
| BUREAU APPROVAL Bureau: Planning | For Meeting of: DEC 10 1997 SUBSTITUTE PASSED TO SECOND READING DEC 17 1997 2 P.M. |
| Prepared by: Jim Claypool Date: 12/10/97 | Action Taken: <input type="checkbox"/> Amended <input type="checkbox"/> Passed to 2nd Reading <input type="checkbox"/> Continued to: _____ |
| Budget Impact Review: <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not Required | |
| Bureau Head: <i>David C. Knowles</i> Planning Director | |

12/10/97 Advisory vote

| AGENDA | FOUR FIFTHS AGENDA <i>12/17/97 vote 2nd Reading</i> | | COMMISSIONERS VOTED AS FOLLOWS: | |
|----------------------------------|---|------------|---------------------------------|------|
| | <i>YEA</i> | <i>NAY</i> | | |
| Consent Regular X | | | YEAS | NAYS |
| | Francesconi | ✓ | Francesconi | ✓ |
| NOTED BY | Hales | ✓ | Hales | ✓ |
| City Attorney <i>R. Beaumont</i> | Kafoury | ✓ | Kafoury | ✓ |
| City Auditor | Sten | ✓ | Sten | ✓ |
| City Engineer | Katz | ✓ | Katz | ✓ |