



LAND USE PLANNING DIVISION
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<https://multco.us/landuse>

THIS IS TO NOTIFY YOU THAT MULTNOMAH COUNTY HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES

Public Hearing Notice

MULTNOMAH COUNTY PLANNING COMMISSION HEARING TO CONSIDER AMENDMENTS TO MULTNOMAH COUNTY CHAPTER 38 ZONING CODE AND COMPREHENSIVE PLAN IN RESPONSE TO FEDERALLY MANDATED REVISIONS TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA APPROVED BY THE COLUMBIA RIVER GORGE COMMISSION (GORGE 2020 PROJECT) AND OTHER AMENDMENTS TO CHAPTER 38 CODE AND THE COUNTY COMPREHENSIVE PLAN NOT RELATED TO THE MANAGEMENT PLAN REVISIONS

**PROJECT # PC-2021-14505
OCTOBER 4, 2021 AT 6:30 P.M.**

On October 4, 2021 at 6:30 P.M., the Multnomah County Planning Commission will hold a virtual public hearing (accessible online or by phone) regarding whether to recommend the adoption of amendments to the Multnomah County Chapter 38 zoning code and Comprehensive Plan in response to federally mandated revisions to the Management Plan for the Columbia River National Scenic Area approved by the Columbia River Gorge Commission (Gorge 2020 Project). Other amendments are also proposed to Chapter 38 code and to the Multnomah County Comprehensive Plan not related to the Management Plan revisions.

The Planning Commission meeting will be held virtually. Instructions for attending the meeting online or by phone will be published on the county Planning Commission webpage no later than September 10th: <https://multco.us/landuse/planning-commission>. Instructions for attending are also available by contacting staff prior to the meeting at the email or phone number provided below. Those requiring special accommodations, and those with questions about how to participate can contact staff prior to the meeting at the email or phone number provided below. The Planning Commission will hear public testimony and, based on the entire record in this matter, determine whether to recommend approval of the ordinance to the Multnomah County Board of Commissioners. **Multnomah County has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zones, and may change the value of your property.**

The proposed ordinance can be viewed online beginning September 24, 2021 at <https://multco.us/landuse/planning-commission>. The proposed ordinance is also available for inspection, and at a cost of \$0.40/page a copy is available for purchase, at the Multnomah County Land Use Planning office. However, due to the COVID-19 pandemic, our office will be open by appointment only. To make an appointment to inspect the ordinance, or request a copy, please contact staff at 503.988.3043 or lup-hearings@multco.us

An opportunity for public comment will be provided at the Planning Commission hearing. Please contact staff, no later than 4pm on September 30th, if you would like to register to provide public comment during the Planning Commission hearing (lup-hearings@multco.us or 503.988.3043). Although registration is preferred and recommended, it is not required. There will be an opportunity for all attendees of the virtual public hearing to provide public comment, even if a person did not register in advance. Any comments received by noon on October 1st (submitted to lup-hearings@multco.us) will be forwarded to the Planning Commission prior to the public hearing. Comments received after that time will be introduced into the record at hearing.

1.0 General Project Summary

Following a three year public planning process, the Columbia River Gorge Commission adopted revisions to the *Management Plan for the Columbia River Gorge National Scenic Area* (the Management Plan) on October 13, 2020 as part of the National Scenic Area Act requirement to review and update the Management Plan as needed every ten years. The Gorge Commission refers to this as the “Gorge 2020” project: <http://www.gorgecommission.org/management-plan/gorge2020>.

The Management Plan contains the land use and resource protection goals, objectives, policies and guidelines necessary to protect and enhance scenic, natural, cultural, and recreational Columbia River Gorge resources and to protect and support the economy of the Columbia River Gorge area. The revisions to the Management Plan approved by the Gorge Commission on October 13, 2020 are required to be adopted into Multnomah County Zoning Code Chapter 38 applicable to county lands within the Columbia River Gorge National Scenic Area (the National Scenic Area). The proposed Chapter 38 Zoning Code amendments are often taken verbatim from the Management Plan to ensure consistency with the Management Plan requirements. The proposed ordinance also contains items unrelated to the Plan revisions generally to provide additional clarity and correct errors. Updates are also proposed to the Columbia River Gorge National Scenic Area Rural Area Plan – an element of the Multnomah County Comprehensive Plan – to ensure consistency with amendments made to the Management Plan and provide updates to outdated information.

2.0 General Summary of Ch. 38 Zoning Code Amendments, organized by Code Parts 1-8

The following is a list summarizing proposed zoning code amendments, organized by individual Parts of Multnomah County Chapter 38 Zoning Code (Parts 1-8). The list below is a summary and not a complete list of all proposed amendments. **Proposed amendments prompted by the Management Plan revisions are preceded with an *asterisk.**

All proposed redlined amendments to the County Zoning Code and Comprehensive Plan will be made available for online inspection on the Planning Commission webpage at least seven (7) days prior to the public hearing: <https://www.multco.us/landuse/planning-commission>

A link labeled **Interactive Map** towards the top of the following webpage provides access to property level information including current zoning and tax lot boundaries, aerial photos, soils, slopes and general topographic information: <https://www.multco.us/landuse/zoning-maps>

CH. 38 PART 1 - GENERAL PROVISIONS

- References added to clarify scenarios when county Chapter 39 ground disturbing activity permits, storm water drainage control and flood hazard regulations apply in the NSA (Multnomah County Code section 38.0010)
- *New terms added, deleted and also modified within definition section as necessary to implement revised NSA regulations (38.0015)
- New terms defined for consistency with definitions of terms adopted outside the NSA. Includes, but is not limited to definitions for lot area and other lot dimensions and various yards (38.0015)
- *Clarification added that commercial production of electrical power (such as wind and solar) is a prohibited Industrial Use (38.0025)
- *Clarifies footprint measurement for replacement structures damaged or destroyed by disaster includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure (38.0030)
- *Establishes a new grading plan submittal requirement trigger when more than 200 cubic yards of grading is proposed on sites visible from key viewing areas (38.0045)
- Updates an outdated “Type I” land division reference to a “Category 1” land division as described elsewhere in Chapter 38 (38.0050)
- *Eliminates Cluster Development allowances consistent with a new prohibition on Cluster Development in the Management Plan (38.0050)

- Deletes outdated and inoperable home occupation standards that should have been deleted when home occupation section 38.7330 was amended in 2013 (38.0050 & 38.7330)
- *Eliminates “cottage industries” provisions consistent with the deletion of the cottage industries use in the Management Plan. Uses formerly allowed through the cottage industries provisions are also allowed through “home occupation” provisions and therefore were determined by the Gorge Commission to be duplicative and unnecessary (38.0050).
- Deletes duplicative home occupation provisions in 38.0050 currently provided for within 38.7330.
- Deletes duplicative “bed and breakfast inn” standards currently provided for in 38.7335 (38.0050)
- Deletes outdated “Alteration or expansion of pre-existing use” standards which instead are regulated, as required by the Management Plan, through the “Existing Uses and Discontinued Uses” section 38.0030 (38.0050)
- *Clarifies certain agricultural buffers apply to adjacent land currently used for agricultural use and clarifies that other buffers apply when adjacent land is suitable, but not currently used for agriculture (38.0060)
- *Prohibits approval of a variance from setbacks and buffers within the General Management Area for an addition to a building, when the addition would be within the setback, except where the building is wholly within the setback. Establishes limitation that the addition may not encroach further into the setback in the above scenario (38.0065)
- *Amends Tribal Treaty Rights and Consultation process to require supplemental information for proposals adjoining the Columbia River or its fish bearing tributaries. Provides for additional opportunities and time for coordination and consultation between counties and NSA tribes to discuss proposals. Requires findings of fact documenting the coordination and justification for conclusions regarding potential impacts on treaty rights. Clarifies responsibility for tribal coordination in the Special Management Area falls to the US Forest Service (38.0110).

CH. 38 PART 2 - PLANNING AUTHORITY - (NO SUBSTANTIVE CHANGES)

CH. 38 PART 3 - ADMINISTRATION AND PROCEDURES

- Extends public comment period for all permit types, except development eligible for expedited review, from 14-days to 21 days (38.0530)
- *Clarifies a complete site plan must show the actual proposed development site. Clarifies that site plans with alternative sites or general building envelopes are not sufficient (38.0600).
- Removes a requirement voiding a decision if an applicant fails to sign and record a notice of decision within a specific timeframe (38.0670)

CH. 38 PART 4 - ZONING DISTRICTS

- *Establishes that trail, road and railroad expansions are not considered repair, maintenance and operation of existing structures exempt from review (38.1005)
- *Adds new limitations for renewable energy systems qualifying for Allowed Use (38.1005) & limitations and standards of approval for renewable energy systems qualifying for Expedited Use (38.1010)
- *Disallows new underground utility facility proposals to be considered through Expedited Use review in the Gorge Special Agriculture districts (38.1010)

(FOREST DISTRICTS - GGF and GSF)

(GGF)

- *Removes allowance for a new single-family dwelling in the GGF-40 zones (38.2025)
- *Clarifies a tiny house on a trailer, or similar temporary structure, may be approved in GGF-80 zones only as temporary housing for timber operation security personnel (38.2025)
- *Adds requirement that a primary dwelling used to establish a health hardship dwelling must not have been discontinued in the past, in addition to having been legally established (38.2025)

- *Removes provision in GGF-40 zones for a second single-family dwelling for a farm operator's relative (38.2025)
- *Requires additional findings related to construction, reconstruction or modifications of roads not in conjunction with forest use or practices. New standards can generally be described as introducing a no practicable alternative test and a minimum necessary size test (38.2025)
- *Requires that agricultural labor housing must be accessory to a current agricultural use that is on the subject farm and is also subject to forest land siting and fire protection requirements (38.2025)
- *Expands allowances for fruit and produce stands which no longer are limited to sales of agricultural products solely raised on the subject farm and other farms in the local region. New definition in 38.0015 requires that produce and agricultural products be *primarily* grown on the subject farm or ranch, and incidental products shall not make up more than 25% of the sales at the stand (38.2025).
- *Expands winery provisions to include cider processing, sales and tasting. Fruits must be harvested on the subject farm and the local region (38.2025)
- *Establishes additional standards of approval for renewable energy systems (38.2025)
- *Removes provision allowing substandard parcels (cluster development) in the GGF-20, GGF-40 and GGF-80 zones (38.2030)
- *Limits life estates to the GGF-20 zone. This use has been removed from the GGF-40 zone as required by the Management Plan (38.2030).

(GSF)

- *Requires additional findings related to railroads, road construction, or reconstruction. New standards can generally be described as introducing a no practicable alternative test and a minimum necessary size test (38.2025).

(AGRICULTURAL DISTRICTS - GGA and GSA)

(GGA)

- *Requirement added that new cultivation requires demonstration that the landowner has sufficient water to support the use (38.2225)
- *Annual income test for single family dwelling in conjunction with an agricultural use in GGA zones increased from \$40,000 gross annual income to \$80,000 gross annual income in 2020 dollars, indexed for inflation on an annual basis and posted annually by January 15th on the Gorge Commission website (38.2225)
- *Requires additional findings related to construction, reconstruction or modifications of roads not in conjunction with agriculture. New standards can generally be described as introducing a no practicable alternative test and a minimum necessary size test (38.2225). Same requirement for these new findings also applied to road and railroad construction (38.2225).
- *Establishes additional standards of approval for renewable energy systems (38.2225)
- *Expands allowances for fruit and produce stands which no longer are limited to sales of agricultural products solely raised on the subject farm and other farms in the local region. New definition in 38.0015 requires that produce and agricultural products be *primarily* grown on the subject farm or ranch, and incidental products shall not make up more than 25% of the sales at the stand (38.2225).
- *Expands winery provisions to include cider processing, sales and tasting. Fruits must be harvested on the subject farm and the local region (38.2230)
- *Removes cluster development allowance & reference to provisions allowing the creation of parcels smaller than the minimum parcel size (38.2230)
- *Removes references to cottage industries as previously described in this notice (38.2230)
- *GGA-20 minimum lot size for new parcels increased from 20-acres to 40-acres when located within deer and elk winter range (38.2260). County mapping analysis shows all parcels currently zoned GGA-20 to be located outside deer and elk winter range, but this provision could become applicable in the future if a property within deer and elk winter range is rezoned to GGA-20 or if deer and elk winter range maps are amended to include new areas.

(GSA)

- *See “renewable energy system” provisions described above in this notice (38.2225)
- *See “fruit and produce stands” provisions described above (38.2225)
- *See “road and railroad construction” provisions described above (38.2225)
- *Removes references to cottage industries as previously described above (38.2230)

(RURAL CENTER – GGRC)

- *Establishes additional standards of approval for renewable energy systems (38.2425)
- *Adds overnight accommodations as a new review use (38.2425)
- *Clarifies new roads require Conditional Use review (38.2430)
- *Removes the phrase “travelers accommodations”, relying instead on the existing phrase “bed and breakfast inn” (38.2430)
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.2430)

(OPEN SPACE - GGO and GSO)

(GGO)

- *Eliminates requirement for full scenic permit review for repair, maintenance and operation of existing structures. Amendment limits review to improvement, not including expansion of such structures (38.2625).

(GSO)

- *Eliminates requirement for full scenic permit review for repair, maintenance and operation of existing structures. Amendment limits review to improvement, not including expansion of such structures (38.2625).

(RECREATIONAL DISTRICTS - GG-PR, GG-CR and GS-PR)

(GG-PR)

- *Establishes additional standards of approval for renewable energy systems (38.2825)

(GG-CR)

- *Establishes additional standards of approval for renewable energy systems (38.2825)

(GS-PR)

- *Establishes additional standards of approval for renewable energy systems (38.2825)
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.2830)

(RESIDENTIAL DISTRICTS - GGR and GSR)

(GGR)

- *Establishes additional standards of approval for renewable energy systems (38.3025)
- *Adds overnight accommodations as a new review use in GGR-5 and GGR-10 zones (38.3025)
- *Removes reference to provisions allowing the creation of parcels smaller than the minimum parcel size (38.3030).
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.3030)
- *Expands winery provisions to include cider processing, sales and tasting. Fruits must be harvested on the subject farm and the local region (38.3030)

(GSR)

- *Clarifies parcel must be 40-acres in size or larger to qualify for a dwelling (38.3025)
- *Establishes additional standards of approval for renewable energy systems (38.3025)

(COMMERCIAL – GGC)

- *Establishes additional standards of approval for renewable energy systems (38.3225)
- *Adds overnight accommodations as a new review use (38.3225)

- *Removes the phrase “travelers accommodations”, relying instead on the existing phrase “bed and breakfast inn” (38.3230)
- *Clarifies new roads require Conditional Use review (38.3230)
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.3230)

CH. 38 PART 5 - SPECIAL DISTRICTS - (NO SUBSTANTIVE CHANGES)

CH. 38 PART 6 - APPROVAL CRITERIA

- *Clarifies expansion of existing development (not just new buildings) must be compatible with general scale of similar buildings that exist nearby. Existing standard being deleted requires expansion of existing development to comply to the maximum extent practicable. Exempts new buildings 1,500 square feet or less from this general scale compatibility requirement (38.7035). Provides guidance on the types of factors which must be considered when analyzing whether a proposal is compatible with general scale of similar buildings that exist nearby, particularly with respect to measuring decks and porches, attached garages, basements, breezeways and use of building dimensions reported in county Assessor’s records (38.7035).
- *Deletes requirement limiting determination of compatibility with landscape setting to information submitted in the site plan, given other factors should be considered (38.7035)
- *Changes map submittal requirements for exploration and production of mineral resources and quarries to include 1”:200’ scale map (rather than 1”:100’ as currently required), which must show perspective drawings of the proposed mining areas if visible from key viewing areas (38.7035)
- *Provides guidance on balancing visual subordination policies with buffer protection of wetlands, riparian corridors, rare plants or sensitive wildlife when siting to achieve visual subordination would place development in a protected buffer. In such situations, new development shall be sited to achieve visual subordination from key viewing areas to the maximum extent practicable (38.7035).
- *Provides examples of proportionate conditions of approval appropriate to ensure development is visually subordinate, including screening by topography, siting, retention of existing vegetation on the applicant’s property, design and building materials, new landscaping and construction of berms (38.7035)
- *Requires exterior lighting in the General Management Area (GMA) to be limited in intensity as is currently required in the Special Management Area (SMA) for properties visible from Key Viewing Areas. Exempts road lighting necessary for safety purposes (38.7035). A specific lumens threshold is proposed by the county for outdoor lighting qualifying for Expedited review (38.7100).
- *Eliminates existing variance option for new buildings and alterations to a building built prior to November 17, 1986 that is unable to be constructed, or altered, so that it remains below the skyline of a bluff, cliff or ridge as visible from a key viewing area (38.7035)
- *Provides the County authority to require additional vegetative screening after five years if the approved vegetation has not achieved a size sufficient to screen the development (38.7035)
- *Requires quarry / mining reclamation plans to blend and emulate with the distinctive characteristics of the designated landscape setting. Current standard being deleted requires blending and emulation with surrounding landforms (38.7035)
- Requires exterior lighting on sites visible from Key Viewing Areas in the SMA to be directed downwards and use non-reflective, opaque materials for exterior lighting shielding and hooding consistent with exterior lighting requirements in the GMA. Change proposed to simplify exterior lighting implementation across the NSA (38.7040)
- *Requires a cultural reconnaissance survey for all proposed uses within 100-feet of a high probability area, in addition to the current requirement being retained requiring a survey within 500 feet of a known cultural resource (30.7045)
- *Requires that applicants, rather than the Gorge Commission, pay for all required reconnaissance or historic surveys, and for Evaluations of Significance and Mitigation Plans for cultural resources discovered during construction of small-scale uses (38.7045)

- *Provides authority for a tribal representative to redact sensitive tribal information from cultural survey reports (38.7045)
- *New General Management Area water resources criteria have been established by the Management Plan using terms and requirements that are more consistent with Special Management Area water resources terms and criteria (38.7053). Expands the buffer zone for identified cold water refuge streams from 100 feet to 200 feet (*the Sandy River is the only identified cold water refuge stream located in Multnomah County*). Former GMA Wetland (38.7055) and GMA Stream, Lake and Riparian Area criteria have been deleted (38.7060).
- *Requires that Oregon white oak shall not be removed if practicable alternatives exist. Otherwise, requires wildlife survey and mitigation plan. Exempts forest practices (38.7065).
- *Updates list of Columbia Gorge and vicinity endemic plant species with four species being removed and one added – Klickitat biscuitroot being added (38.7070)
- *Descriptions of various Recreational Intensity Classes within the Management Plan have been added to county code to help orient the reader (38.7080 & 38.7085)
- *Requires accommodation of facilities for mass transportation (bus parking, etc.) for all new Recreation Intensity Class 3 day-use recreation sites, and site improvements increasing the size of existing Class 3 facilities, except for sites predominantly devoted to boat access (38.7080)
- *Establishes new standards for trail or trailhead projects with an overall intent to better tie into existing segments or existing or older trails, provide better signage for multi-use trails, minimize the spread of noxious weeds and wildfire hazards (38.7080)
- *Establishes an equitability and accessibility criterion for all proposed Recreation Intensity Class 3 or 4 sites, with Class 1 and 2 sites being encouraged to meet the criterion to the maximum extent practicable (38.7080)
- *Requires that campgrounds in the SMA Recreational Intensity Class 3 shall not exceed a combination of 50 single or group campsites and a total design capacity of 250 people at any one time (38.7085)
- *Requires that campgrounds in the SMA Recreational Intensity Class 4 shall not exceed a combination of 100 single or group campsites and a total design capacity of 500 people at any one time (reduced from a current limit of 1,000 people) 38.7085
- *Eliminates the maximum of 2 extensions which can be sought to the submittal deadline for an application under the county Responses to an Emergency/Disaster Event provisions (38.7090)
- *Limits ability within the Expedited Use criteria to use the same non-dark earth toned color as existing building for an addition, unless the addition is smaller in total area than the existing building. Also requires, as a condition of approval for an Expedited Use, that the exterior lighting output be limited below a specific lumen threshold in addition to being hooded and shielded (38.7100).
- *Expedited Development Review Criteria 38.7100(A)(2) currently establishes, consistent with Management Plan requirements, that the expedited development review process shall only be used to consider development that does not require a reconnaissance survey or historic survey. Procedural citation to 38.7045(A) within 38.7100 has been updated consistent with Management Plan procedures to require a historic survey for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the building or structures that are 50 years old or older (38.7100).
- *Establishes additional standards of approval for renewable energy systems (38.7100)

CH. 38 PART 7 - SPECIAL USES

- *Establishes new and revises existing siting and fire protection criteria in forest zones related to setbacks from steep slopes, and expansion of defensible space downslope below a building and structural projection such as porches, balconies and decks (38.7305 & 38.7315)
- *Provides for the ability to use a tiny house on a trailer, or similar structure, as a temporary health hardship dwelling as long as the temporary dwelling does not require a permanent foundation (38.7320)
- *Removes the phrase “cottage industries”, relying instead on the existing phrase “home occupations” (38.7330)

- *Establishes approval criteria for Overnight Accommodations related to maximum room night rentals per year, parking area screening, occupancy requirements of the owner, prohibition on commercial events, establishment of maximum number of employees allowed and time limits on the permit, including opportunity to renew the permit absent any past violations related to the Overnight Accommodations land use approval (38.7337)
- *Requires review of enhancement of wetlands, streams, ponds, lakes and riparian areas even when not associated with any other development proposal (38.7345)
- *Prohibits life estates in the GGF-40 zone as required by the Management Plan. This use still allowed in GGA and GGF-20 zone (38.7355).
- *Eliminates cluster development provisions of 38.7360 as substandard parcel sizes no longer allowed by the Management Plan
- *Expands existing winery provisions to include cideries in conjunction with an on-site orchard and cidery sales/tasting rooms within a historic building. Fruits must be harvested on the subject farm and the local region (38.7380)
- *Establishes new standards of approval specific to Renewable Energy Production including prohibiting industrial uses, requiring panel and hardware be non-reflective black or dark earth tone colors, not increase overall roof height, only serve the parcel on which it is located and limiting production to the expected annual electrical power need (38.7390)

CH. 38 PART 8 - VARIANCES AND LAND DIVISIONS - (NO SUBSTANTIVE CHANGES)

3.0 General Summary of Comprehensive Plan Amendments

- Updates outdated permit name references from ‘Hillside Development’ to ‘Geologic Hazard’
- Updates outdated Comprehensive Plan policy cross references
- More explicitly calls out the name of the four Columbia River Treat Tribes (The Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of the Yakama Indian Nation)

If you have questions or would like additional information about the proposal after reviewing the ordinance, please contact Adam Barber, Deputy Planning Director, at the Multnomah County Land Use Planning Division (adam.t.barber@multco.us / 503.988.0168).

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