

## **PROPOSED 2016 WORK PROGRAM**

### **For the December 7, 2015 Planning Commission Meeting**

Below is a draft 2016 Work Program for discussion at the December 7, 2015 Planning Commission meeting. Our goal is to finalize the 2016 plan at either the December 7<sup>th</sup> meeting or at our next meeting, if needed, so that staff can begin work as we enter the New Year on our highest priority projects.

Staff is interested in hearing from the Commission which projects should be prioritized, if projects should be added or removed from the list and any questions about project scope. We believe projects that have community support, those that can be completed in a reasonable amount of time, whether an amendment is a mandate, and projects that have the potential to reduce the amount of time needed to implement the code should be priorities. Additionally, we believe code development related to the 2015 Sauvie Island / Multnomah Channel Rural Area Plan should be a major component of the work program over the coming year.

Approval of a work program helps the Land Use Division prioritize work. It does not mandate project completion, nor does it preclude work on other projects not identified. Having this flexibility, together with support from the Commission on work program priorities helps the Division best serve the community.

Typically much more work is identified on an annual work program than can be accomplished in any given year and this is the case for the 2016 draft program. The reasons for such an ambitious program are many. Sometimes, we can complete projects faster than anticipated. Other times, projects we thought might be viable turn out after researching the issues to not be good candidates for legislative changes.

At this time, we anticipate that resources available for long-range planning will remain stable for the next year and will plan for a one meeting per month, making adjustments as needed. No meeting is planned for July, 2016 to help accommodate Commissioner and staff vacation planning.

## Projects Underway, But Not Finished

	Project Name	Brief Summary	Status
1	Dark Sky Ordinance (PC-2013-3056)	Consider new exterior lighting standards offering a more comprehensive approach to combating nighttime light pollution.	<p>The Commission has held multiple Worksessions on this project and staff has presented draft code concepts to rural neighborhood associations.</p> <p>Based on community feedback, the scope of this project will be expanded slightly to include the county's sign code regulations. Additional research and further code work is needed prior to scheduling a public hearing.</p> <p><b>The Sauvie Island Community Association has submitted an email advocating for prioritization of this project in 2016 (see Attachment B).</b></p>
2	Special Interest Vehicles (PC-2013-3095)	Add Storage of Motor Vehicle Conditional Uses to additional zoning districts or delete it from code.	<p>This project was near completion, but put on hold in 2014 to accommodate hearings for the Sauvie Island/ Multnomah Channel Rural Area Plan update.</p> <p>Staff would like to bring this project to hearing in 2016, which largely turned out to be a technical housekeeping effort.</p>
3	Thresholds for Raising Fowl (PC-2013-3094)	Define thresholds for raising of fowl (ex. chickens) for personal and commercial use.	The Planning Commission has held multiple worksessions on this project. Staff now needs to prepare final code amendments for a public hearing.
4	Property Line Adjustments (PC-2014-3619)	Consider code amendments addressing whether lots with road frontage should maintain that frontage after a Property Line Adjustment (PLA). Also assess standards related to septic drainage systems. Consider adding flexibility to Exclusive Farm Use (EFU) equal area requirements for PLAs to include adverse possession claims and to fix encroachment issues.	Staff needs to scope issues and prepare code amendments for a worksession packet.
5	Extending Wildlife Habitat Tax Deferral Program (PC-2015-4551)	Implements Policy 3.2 of the 2015 Sauvie Island / Multnomah Channel Rural Area Plan and extends the county's wildlife habitat tax deferral program to additional zoning districts.	A briefing has been held with the Commission who signaled support to move forward. Staff needs to prepare code amendments and schedule a next meeting. It is unclear whether a Worksession is needed prior to Hearing but this will be scoped by staff as code is prepared.
6	Marijuana Land Use Regulation in Unincorporated Multnomah County	Adds time, place and manner regulations for commercial	A Commission briefing has been held and a Worksession scheduled December 7, 2015. Staff

	(PC-2015-4551)	marijuana businesses including production, processing, wholesaling and retail uses.	would like to move to hearing as quickly as possible considering OLCC will begin accepting applications in early January, 2016.
7	Comprehensive Plan Update (PC-2014-3436)	Update to the county's Comprehensive Framework Plan.	This project was initially scoped as a two year project, which is currently more than half way completed. Current target is completion by Summer, 2016.
8	Code Consolidation (no case number currently assigned)	Consolidate land use code chapters 33, 34, 35, 36 & 37 for efficiency. Scope is to consolidate and fix minor housekeeping issues but no major policy amendments.	Project is scoped. Work was recently initiated. Likely a 6-12 month project.

## Sauvie Island / Multnomah Channel Rural Area Plan Code Development

	Project Name	Brief Summary	Status
9	Placeholder	<p>This is a general placeholder for code development related to the adopted 2015 Sauvie Island / Multnomah Channel Rural Area Plan update. Code development will be broken into a range of different projects, grouped by subject matter.</p> <p><b>A list of policy tasks related to implementation of the 2015 plan is included as Attachment A.</b> A briefing was held with the Commission on August 3, 2015 to discuss which plan policies should be prioritized for code amendments. The Commission recommended the following priority categories understanding that completion of all three priorities would likely take multiple years given current resources.</p> <p><b>Priority 1</b></p> <ul style="list-style-type: none"> <li>• Policy 1.0 - Use the county Equity and Empowerment Lens when developing policy, implementing codes, and capital projects. Apply to all projects.</li> <li>• Policy 1.1 – 1.3; 1.7, 1.8: farm stand / ag tourism policy (large project)</li> <li>• Policy 1.5 &amp; 1.10: Mass gatherings (large project)</li> <li>• Policy 3.2: Wildlife tax deferral extension in MUA-20 (small)</li> <li>• Policy 3.7: Dark sky (medium)</li> <li>• Policy 2.1(a) Moorage reconfiguration threshold; 1:50 density review (small/medium)</li> <li>• Policy 2.1, 2.3: Moorage projects; reconfigurations, definitions, building permits (large)</li> <li>• Policy 2.1(b), 3.3, 3.17: Willamette River Greenway updates (large)</li> <li>• Policy 2.4 – 2.6: Allow live-aboards full time and/or temporary uses (large)</li> <li>• Policy 3.15: Large fill restrictions on high value farmland (small)</li> <li>• Policy 5.5: Coordination for safe rail crossings (small)</li> <li>• Policy 5.9: Implement Transportation Demand Management policies (large)</li> <li>• Policy 5.13: Encourage increased sheriff patrols – may not require code changes (small)</li> </ul>	Placeholder

		<p><b>Priority 2</b></p> <ul style="list-style-type: none"> <li>• Policy 3.8 – 3.12: Wildlife education &amp; cultural coordination (large project)</li> <li>• Policy 1.4: farming deed restrictions in MUA-20 (small)</li> <li>• Policy 3.5: Streamline &amp; simplify process (and add possible exceptions) for public agency habitat restoration projects (medium/large)</li> </ul> <p><b>Priority 3</b></p> <ul style="list-style-type: none"> <li>• Policy 3.4: update surface water inventories and maps (project size unknown)</li> </ul>	
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## Projects Currently On-Hold

	Project Name	Brief Summary	Status
10	Zoning Maps (PC-2011-1401)	GIS zoning map generation. Replace the largely hand drawn Sectional Zoning Maps pursuant to MCC 33.0015 with GIS maps. Accomplishing this task will require an archiving system that could be developed along with the adoption action. The project benefit is the production of a set of consolidated and modernized zoning maps.	<p>PC Worksession held Jan, 2012 and the Planning Commission supported moving ahead. Draft Zoning Maps have been prepared and maps of the NSA are being reviewed by Gorge Commission and USFS which must occur prior to Planning Commission hearing.</p> <p>Project is moving very slow due to staff resource constraints at both the Gorge Commission and USFS and the non-mandatory nature of this project. To date, both agencies have begun but not completed reviews of the draft zoning maps.</p>
11	Violation Scope (PC-2013-3020)	Violations of On-Site Sanitation. The existing scope of state regulations that are also a "violation" pursuant to MCC 37.0560 as defined in MCC 37.0915 do not clearly include violations of DEQ permits and rules. State building, electrical and plumbing codes are incorporated by reference into MCC Chapter 29, making violations of those regulations subject to enforcement. Consider whether code amendments are appropriate and needed to address noncompliant on-site sanitation.	<p>Worksession was held November, 2013. Amendments being considered for incorporation into Chapter 37/38 Procedures update for efficiency.</p>
12	Chapter 37/38 Procedures – incorporate (PC-2012-2296)	Update procedures in Chapter 37 and 38 per state rule changes.	<p>The Planning Commission held multiple work sessions on this project in 2012 and 2013. The scope of the project has grown over time. County Counsel is assessing whether this project should be advanced or incorporated into the code consolidation project.</p>

13	Waterfront Community Building Codes (PC-2011-1974)	Consider whether county should adopt city of Portland building codes to regulate floating structures.	Briefing held June, 2012. Staff put project on hold when the Sauvie Island / Multnomah Channel Rural Area Plan update project was initiated. Draft policies being considered for amendments as part of the Plan update envision re-activating this project. Project will be incorporated into "Sauvie Island / Multnomah Channel Rural Area Plan Code Development" section.
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## Potential New Projects

	Project Name	Brief Summary	Status
14	Accessory Structures	Consider amendments to accessory structure regulations to more clearly define when a structure is an accessory structure vs. a residential unit. Desire for accessory living units (i.e. mother in law quarters & Air b-n-b type rentals) has increased in recent years along with proposals for accessory structures which can easily be converted to unpermitted dwellings. Intent is for code amendments to either disallow or require a higher bar for review of an accessory structures containing most, but not all dwelling components. Additionally, require covenant be required prior to building permit submittal for accessory structures containing most of the components of a dwelling.	Not yet begun
15	Surveys Required	Assess when a survey should be required to confirm new development is accurately sited, particularly with respect to property setbacks. Attempt is to address issue of buildings not be constructed within an approved location.	Not yet begun
16	Grading and erosion control revisions	Establish maximum threshold for fill allowed through minimal impact review, such as 50 cubic yards etc. Consider exemptions to Minimal Impact and Grading and Erosion Control Permit for public agency transportation and right of way projects when some level of assurance best practices are followed. Possibly extend exemptions to service providers such as water districts, etc. Consider exemptions for restoration and mitigation projects managed by natural resource agencies including soil and water conservation districts.	Not yet begun
17	Code changes related to Measure 49 approved dwellings and properties	Consider code amendments to reference unique allowances and restrictions related to 2007 property rights Ballot Measure 49 approved dwellings and properties. Topics to research include but are not limited to farm and forest zoning aggregation requirements, property line adjustment restrictions and references for setbacks to different types of forest dwellings in CFU zones.	Not yet begun
18	Fence setbacks	Define appropriate customized setbacks for fences. Current policy is to require fences over 6-feet tall to meet setbacks of the zoning district which can be problematic. Clarify that fences under 6-feet in height can be located on the property line and define appropriate setback for taller fences (ex. required setback = fence	Not yet begun

		height, or some other reasonable standard).	
19	Consider adopting LiDAR visibility maps to exempt more development requests from SECv review.	Multnomah County produced aerial LiDAR based maps identifying lands topographically visible at different altitudes above the ground from local Identified Viewing Areas. Project goal is to legislatively adopt LiDAR based maps within the boundaries of the Significant Environmental Concern – view (SECv) zoning district so staff has authority to exempt projects from SECv review which will not be visible. Staff currently must make this determination through a land use review and projects reducing un-necessary process should be a priority.	Not yet begun
20	SECv exemption	Create exemption to SECv permit for small projects, such as an addition, if pre-defined colors and materials used. Will need to identify size of qualifying projects.	Not yet begun
21	Expiration of Type 1 permits	Consider adding expiration language for Type 1 permits.	Not yet begun
22	Planning Commissioner Selection Criteria	Consider adding standards to formalize process of ranking potential candidates for Planning Commission. For example; current internal practice is to not recommend any candidate for appointment who has a known compliance issue on their property. This, and other criteria, could be added to the code.	Not yet begun

## Mandated Code Changes

	Project Name	Brief Summary	Status
23	Placeholder	This is a general placeholder for projects responding to future mandates. Direction for code changes can come from many sources including the Oregon Legislature, Gorge Commission, FEMA, etc. Staff has no way to predict how many projects may fall into this category in 2016, or the resource requirements required.	Placeholder
24	EFU Replacement Dwelling (PC-2013-3193)	Amend replacement dwelling standards in EFU zone based on 2013 legislative changes (HB 2746). Expands provisions for replacement dwellings.	Staff is currently scoping issues and needs to prepare code amendments for a worksession packet. These are mandated changes, but Multnomah County has authority to apply statute directly until such time amendments are approved. However, staff would like to prioritize this project for ease of implementation.
25	Flood Map and Flood Insurance Study Update (PC-2013-2899)	Mandatory Flood Map and Flood Hazard Ordinance Revisions based on updated FEMA flood studies. Multnomah County Flood Insurance Study also will be updated.	Project timelines are largely driven by when the Federal Emergency Management Agency (FEMA) releases draft and final revisions to flood maps and the flood insurance study. The project initially involved updates to maps and plans related to a number of tributaries draining into or near the City of Gresham from unincorporated Multnomah County

			<p>(Beaver Creek, Kelly, Johnson, Kelley (<i>note the different spelling</i>) and Mitchell Creeks).</p> <p>After FEMA released the preliminary maps for the creeks listed above FEMA put the project on hold and is now considering incorporating similar updates for a small portion of the West Hills and Sandy River area. No estimate is available from FEMA when draft products will be released or will need to be adopted but the County will likely need to work on this project in 2016. Adoption of revised maps and study is mandatory.</p>
26	NSA Cumulative Effects (PC-2013-3021)	Amend Chapter 38 to incorporate provisions to address cumulative effects to natural and cultural resources.	Issues have been scoped. Waiting for direction from Gorge Commission to adopt. The latest projection from Gorge Commission staff is that Multnomah County will receive direction to move ahead in early 2016. Project is mandatory.

## Housekeeping

	Project Name	Brief Summary	Status
27	Placeholder	This is a general placeholder for housekeeping items. Housekeeping items are typically small corrections or simple code improvements typically not requiring multiple worksessions.	Placeholder

## Attachments

Attachment A – 2015 Sauvie Island / Multnomah Channel Rural Area Plan Policy Task Table

Attachment B – 11/23/15 Email from the Sauvie Island Community Association Chair, John Houle, advocating for prioritization of the Dark Sky Ordinance project