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**STAFF REPORT TO THE PLANNING COMMISSION  
FOR THE SEPTEMBER 11, 2017 PUBLIC HEARING**

**MULTNOMAH COUNTY  
CODE CONSOLIDATION AND REORGANIZATION PROJECT**

**CASE FILE: PC-2015-4679**

**1.0 INTRODUCTION**

This Code Consolidation and Reorganization Project began in 2015 as a parallel task to the County Comprehensive Plan update. The primary objectives of the Project are to make the zoning code more streamlined, easier to navigate, and easier to amend and update.

The proposed Consolidated Code streamlines ten existing chapters (Chapters 11.05, 11.10, 11.12, 11.15, 11.45, 33, 34, 35, 36, and 37) of land use regulations into one chapter, new Chapter 39. In addition to consolidation of the ten chapters, the Grading and Erosion Control and Flood Hazard provisions of Chapter 29 (Building Regulations) have been merged into the Consolidated Code in order to more closely tie those provisions to the related topics addressed in the Fill and Hillside Development provisions in the chapters now forming the Consolidated Code.

Existing Chapter 38, Columbia River National Scenic Area zoning code, has not been merged into the Consolidated Code because the standards in Chapter 38 implement and derive from the Columbia River National Scenic Area Management Plan, as opposed to the state and local laws that provide the framework for the other chapters. However, cross references in Chapter 38 to standards in the Consolidated Code are updated.

In summary, the Consolidated Code:

- Eliminates redundant text without changing existing regulations, resulting in a more concise zoning code (approximately half the length of the existing code);
- Eliminates defunct zones that no longer apply due to annexations (e.g. the Urban Heavy Manufacturing zone and the Urban Medium Density Residential zone);
- Reconciles merged sections with similar, but slightly different, standards by retaining the more permissive standard (e.g. retained 500 square feet as the threshold for triggering stormwater review for new impervious surfaces, whereas the threshold is presently 400 square feet in some existing zones); and
- Retains area-specific standards (e.g., environmental standards applicable only in the West of Sandy River Planning Area).

*Staff Contact: Kevin Cook*

**IMPORTANTLY**, the following two items originally included in this Project and identified in the M56 Notice for this matter have been removed from this Project for further work:

- Amending the Rural Residential and Multiple Use Agriculture–20 base zones to require a covenant that recognizes adjacent farm and forest practices when new residential development is proposed; and
- Amending the Waterfront Uses, Community Service Uses, to limit the number of floating homes in moorages to previously approved numbers, restrict marinas and moorages to a single row, and require the collection and disposal of sewage from marine uses in Multnomah Channel.

Although the amendments described above are no longer proposed in this Project, Staff intends to bring these matters to the Planning Commission in future projects. Staff has taken steps in advance of the hearings on this Project to apprise those likely to be particularly interested in the amendments described above that the amendments are no longer a part of this Project.

## **2.0 LEGISLATIVE REVIEW**

This Project differs from most proposals brought before the Planning Commission and the Board in that the majority of the Project is an administrative exercise of merging existing code without substantive changes. However, the Planning Commission’s review (and, subsequently, the Board’s review, if this Project is approved by the Planning Commission) remains critical to the success of this Project, particularly with respect to the following items:

- As noted above, primary objectives of this consolidation and reorganization are to make the zoning code more streamlined and easier to navigate. This Project will benefit from review for satisfaction of those objectives.
- As noted above, a policy choice is proposed in this Project: retaining the *more permissive* standard in those instances where code provisions with similar, but slightly different, standards are merged. This Project will benefit from the Planning Commission and Board’s consideration of that choice.

## **3.0 PUBLIC OUTREACH**

### **Dedicated Website**

The project includes a dedicated website at <https://multco.us/landuse/zoning-code-consolidation>

The website contains all of the proposed code chapters and updated copies of the tracker tables, which show where the existing code sections now appear in the consolidated code.

## **Neighborhood Meetings**

Staff has attended a total of four neighborhood meetings to brief community members and answer questions on the code consolidation and reorganization project. The meetings were held in both east and west County. The proposal was positively received and no concerns related to the proposal were raised.

## **Email Updates**

Staff has maintained an email list of over 80 interested individuals and sends out periodic updates as needed.

## **Technical Review**

The County Attorney's Office and planning staff from the current planning section have reviewed the consolidated code. The attached consolidated code (Parts 1 through 9) contain all proposed changes. However, the final organization, ordinance preparation, and codification will be conducted by the County Attorney's office prior to the ordinance effective date.

## **Public Notice of Planning Commission Hearing**

In accordance with Measure 56 (ORS 215.503), public notice was mailed on August 18, 2017 to the owner of record of each lot or parcel in the County potentially affected by these amendments. Written comments received prior to the Planning Commission hearing date will be forwarded to the Planning Commission prior to the hearing.

In addition to the mailed Measure 56 notice, the public hearing was also publicized in accordance with requirements of the Multnomah County Code. Notice of the hearing was published in *The Oregonian* on August 19, 2017.

Notice of the public hearing was also posted on the project website along with an online comment form that could be used to submit testimony concerning the reorganized code.

<b>4.0 CONCLUSION</b>
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Staff recommends that the Planning Commission adopt a resolution recommending adoption of the Project as proposed, without modification, to the Board.

The Planning Commission may, instead, take either of the following actions:

1. Adopt a resolution recommending adoption of the Project, with modification, to the Board; or
2. Adopt a resolution rejecting, and thereby terminating, the Project.

<b>8.0 EXHIBITS</b> (available at: <a href="https://multco.us/landuse/zoning-code-consolidation">https://multco.us/landuse/zoning-code-consolidation</a> )
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**Exhibit A:** Draft Code Changes

1. Part 1 – Administration, Procedures, Enforcement, Permits and Fees
2. Part 2 – Definitions
3. Part 3 – Lot of Record
4. Part 4 – Base Zones
5. Part 5 – Overlays
6. Part 6 – Common Development Standards
7. Part 7 – Conditional Uses and Community Service Uses
8. Part 8 – Specific Use Standards
9. Part 9 – Parcels, Lots, Property Lines and Land Divisions

**Exhibit B:** Other Sections Included in Consolidated Code

1. Table of Contents

**Exhibit C:** Other Chapters Being Amended

1. MCC 29 – Building Regulations
2. MCC 38 – Columbia River Gorge National Scenic Area

**Exhibit D:** Tracker Tables

1. MCC 11.15 – Urban Code
2. MCC 11.45 – Urban Land Division Code
3. MCC 29 – Building Code
4. MCC 33, 34, 35 – West Hills RPA, Sauvie Island/Multnomah Chanel RPA, East of Sandy River RPA
5. MCC 36 – West of Sandy River RPA
6. MCC 37 – Administration and Procedures