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**STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
WORK SESSION ON AUGUST 1, 2011
ZONING AND DEVELOPMENT CODE IMPROVEMENTS
CASE FILE: PC 2011-1400**

PART I. INTRODUCTION

This staff report introduces approaches to improve the county zoning and development codes in areas identified in the 2011 work program as “housekeeping amendments.” These are generally technical amendments identified by staff as needed to improve zoning/development code administration. The proposals included in this report would amend zoning code Chapters, 33, 34, 35, & 36, and development code Chapter 29 to increase consistency, clarify permit triggers, add an exemption, and clarify time limits and uses for our customers. Each of these changes is not significant enough to be its own long range planning action and have been grouped to allow efficient use of the Planning Commission’s time.

The 2011 Legislative Work Program lists a number of topics to be part of housekeeping updates for the year. Planning staff has brought forward five of those topics at this time. Staff anticipates bringing the remainder of the topics to the Planning Commission for a work session before the end of this calendar year. This report addresses the following topics and includes detailed discussion of each in Part II:

1. Adds the exemption to fencing standards for utility facilities in West of Sandy River Plan areas designated SEC-h to the other Multnomah County Code Chapters 33, 34, & 35. This allows for installation of security fencing needed to protect these facilities.
2. Clarify that stormwater control is required when 500 sq. ft. of new impervious surface is proposed regardless of whether there is associated ground disturbing activity, and that replacement of existing structures >500 sq. ft. requires stormwater control. Amends MCC 29.333 and .334.
3. Define “camp” or “campground” to include the use of recreational vehicles. Clarify 30 day time limit for camps & campgrounds. Delete “Recreational Vehicle Park”.
4. Update the access requirement in the general zones for consistency with the County’s Land Division codes and definitions that were added by PC 08-004.
5. Clarify the Code Compliance and Application restriction in MCC 37.0560 that limits processing of permits where a code violation is unresolved so as to allow processing of land use decisions that do not authorize development.

PART II. TEXT AMENDMENT DISCUSSION

The following discussion considers each of the proposals in detail and identifies the relevant sections of the zoning codes. Staff anticipates bringing zoning code text amendments to the Planning Commission for hearing in September, 2011.

Code = Proposed Code Language

~~Code~~ = Deleted Code Language

1. Fencing Exemption for utility facilities

The Significant Environmental Concern for wildlife habitat criteria includes development standards for the construction of fences within a required setback from a public road. These fencing standards limit the height, design and materials used for fencing along a right-of-way to allow animals to avoid being trapped when attempting to cross a road [MCC 33.4560(B)(6)]. The West of Sandy River zoning ordinance includes an exemption from these standards for utility facilities to allow security fencing where service providers see a need. The proposed text amendment would add this exemption to Chapters 33 (West Hills), 34 (Sauvie Island/Multnomah Channel) and Chapter 35 (East of Sandy River). The fencing development standards would be amended as follows:

§ 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

[The same changes are proposed for 34.4570 & 35.4570.]

(B) Development standards:

(6) Fencing within a required setback from a public road shall meet the following criteria:

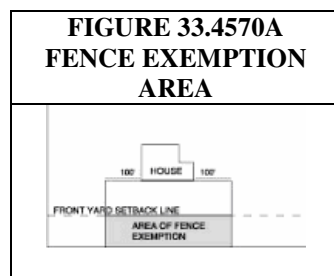
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.



(f) Fencing standards do not apply where needed for security of utility facilities.

2. Stormwater Review Clarification

The proposed amendments in this section address drainage/stormwater control provisions in the County Framework Plan that are not fully implemented in the Multnomah County Code (MCC) as currently organized leaving a gap in our regulations. A second element clarifies applicability of storm water regulations in Chapter 36.

- 2.A. At present, the Grading and Erosion Control ordinance (MCC 29.330 – MCC 29.365) is triggered when a person proposes ground disturbance that involves machinery. Regulation of stormwater intended to implement Comprehensive Plan Policy 37 is also included in this section of the MCC, although the policy and need to control storm water is not tied directly to ground disturbing activities. One example of the resulting “gap” is that when an area which does not require grading (no mechanized ground disturbance) is paved, the storm water requirement in Chapter 29 is not directly applicable. The policy to ensure storm water runoff from developed areas is appropriately controlled should be directly implemented through the development code, and the proposed amendment would accomplish this.

Comprehensive Plan Policy 37 - Drainage

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off shall be handled on the site or adequate provisions shall be made; and**
- G. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**

Originally, Land Use Planning staff considered modifying the Grading and Erosion Control ordinance to create a storm water trigger mechanism for non-ground disturbing projects. With additional thought regarding the purpose of the Grading and Erosion Control ordinance, planning staff believes that it would be better to create a separate storm water management section in Chapter 29 to more clearly direct that these standards apply to all proposed development. A copy of the relevant sections of Chapter 29 is attached here for reference. Planning staff has taken the existing language from GEC code and modified them where necessary to craft the new section and to codify current practices and policies for storm water into the proposed code. Staff has created draft language for this work session to help gain input from the Planning Commissioners on this topic:

CODE = Proposed Code Language

CODE = Proposed Code Language that is different than existing language in the Grading and Erosion Control ordinance

§ 29.300 STORM WATER MANAGEMENT

(A) The purpose of the **storm water management requirements** is to promote the public health, safety and general welfare, and minimize public and private losses due to **the improper handling of storm water generated from impervious surfaces, altered soil conditions and increased stream flows.**

Purpose statement was crafted using the GEC's purpose statement.

(B) Definitions.

Unless otherwise noted, the words and their derivations for Storm Water Management shall have the meanings contained in § 29.331:

Impervious Surfaces – a man-made structure that utilizes a tightly packed or impenetrable material such as gravel, asphalt, concrete, brick, stone, or all types of roof materials.

Definition is needed to ensure that planning staff and customers understand what compacted materials, such as gravel constitute an impervious surface. Staff crafted the proposed definition by using the Merriam-Webster dictionary and considering other jurisdictions storm water codes.

(C) Review Required.

(1) Persons creating either new impervious surfaces **that are 500 square feet or greater or replacing existing impervious surfaces that are 500 square feet or greater shall have an Oregon Licensed Professional Engineer (engineer) review the existing and proposed development and determine whether a storm water drainage control system is required. If the rate of storm water runoff from the parcel for a 10-year/24 hour storm event as measured from the property lines will be greater than before development, a storm water drainage control system shall be required and shall meet the Development Standards listed in (D) below.**

The proposed Review Required language is a combination of the GEC stormwater trigger language (MCC 29.333(C) with the Application Information Required section (MCC 29.342(C)(1)

(D) Development Standards

(1) No storm water credit shall be given for existing impervious surfaces that are being replaced with new impervious materials such as gravel to asphalt, asphalt to concrete, or paved area to a building addition.

This is the current County policy for replacement of impervious surfaces and is proposed to codify the policy.

(2) **A storm water drainage control system shall be designed by the engineer to ensure that the rate of storm water runoff from the parcel is no greater than that which existed prior to development as measured from the property lines for a 10-year/24-hour storm event. The storm water drainage control system shall be designed and installed for at least a 10-year/24 hour storm event.**

Proposed language is based on MCC 29.333(C).

(2) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.

Existing criterion at MCC 29.345(A)(2)(g).

(3) No discharge into a public right-of-way shall be permitted unless authorized in writing by the governing agency.

Based on MCC 29.342(C)(3).

(4) The storm water drainage control system shall not surcharge the sanitary system drainfields unless authorized in writing by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems.

Based on MCC 29.342(C)(2).

(5) Storm water runoff attributed to the development that is to be discharged to a drainageway in or adjacent to the property shall be at pre-developed rates. The storm water shall not be piped directly into the drainageway. The outflow shall be stopped short of the floodplain or high water line and transitioned back into a sheet-flow condition via an energy absorbing devise to reduce runoff velocity.

Based on MCC 29.342(C)(2) & (3) and MCC 29.345(A)(2)(l)1. & 3.

(6) Outflow of any stormwater discharge from the subject property shall leave the property in a sheet-flow or dispersed condition unless authorization from the property owner receiving the water is granted.

Based on MCC 29.345(A)(l)1. – 3.

(7) Where drainage swales or soakage trenches are used as part of the storm water drainage control system, they shall be vegetated or protected to minimize potential erosion.

Based on MCC 29.345(A)(2)(k).

(E) Implementation & Maintenance.

(1) A required storm water drainage control system shall be installed and in working order prior to final approval for development subject to these provisions.

Based on 29.345(D).

(2) Inspection and enforcement. The director may take steps to ensure compliance with the requirements of this subsection, including but not limited to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site. The requirements of this code section shall be enforced by the planning director.

Most of the existing criterion at MCC 29.345(C)(2).

(3) The property owner shall maintain the completed storm water drainage control system in working order and shall restore or replace failed components at the direction of an Oregon Licensed Professional Engineer as necessary to ensure its operation

continues to handle storm water from a 10-year/24-hour storm event on the subject parcel.

The above requirement is to remind the property owner that not only do they have to install the system; they will need to maintain it over time. Modifications may be necessary over time to a system. These modifications need to be at the direction of an engineer to ensure that the system still handles the storm water from a 10-year/24 hour storm event.

- 2.B. Staff proposes a small technical correction to Chapter 36's Rural Residential (RR) zone. At present, the RR zone requires storm water review at 400 sq. ft. of new impervious surface. The other code sections in the West of Sandy River area are silent on the threshold point and Planning Director's policy is the creation of 500 sq. ft of new impervious surfaces. Planning staff would like to alter the RR code to be consistent with the remaining Chapter 36 code sections.

Rural Residential

MCC 36.3155 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

....

(2) Stormwater/drainage control systems are required for new impervious surfaces ~~that are greater than 400 square feet in area.~~ The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

- 2.C. With the creation of a Storm Water Management section, some modifications to the Grading and Erosion Control ordinance will be necessary. At present, planning staff have identified the following changes to separate the two code requirements:

The term "subdistrict" as used in the purpose section is a holdover from when the Grading and Erosion Control ordinance was a subdistrict in the zoning code. Previously, the Grading and Erosion Control used to be part of the Hillside Development ordinance which still remains as a subdistrict in our zoning chapters. When it was separated out and converted to a non-discretionary permit the wording should have been changed.

§ 29.330- PURPOSES.

The purposes of the Grading and Erosion Control ~~Subdistrict~~ ordinance are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated areas of the county, all in accordance with ORS 215, OAR 340-41-455 for the Tualatin River Basin, and the County Comprehensive Framework Plan Policy No. 37. This subdistrict is intended to: ...

The two changes below are a reflection of the new Storm Water Management section. The original section (C) is moved to the proposed new storm water section.

§ 29.333 REQUIREMENTS FOR A MINIMAL IMPACT PROJECT.

The following are the minimum erosion control requirements for all ground disturbing activities where a permit is not otherwise required or exempt under this subchapter:

(A) Prior to initiating work, persons proposing ground disturbing activities shall provide to the County two copies of a map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s), storm water drainage control system, erosion control measures, existing sanitary drainfields, existing drywells, and trees proposed for removal.

(B) Persons conducting ground disturbing activities are to utilize erosion control measures prescribed in the current edition of the “Erosion Prevention & Sediment Control Plans Technical Guidance Handbook.” Measures are to be installed prior to commencement of grading work and are to be maintained, in working order, through all phases of development.

~~**(C) Persons creating new impervious surfaces exceeding 500 square feet shall install a stormwater drainage system. The system shall be designed to ensure that the rate of runoff for the 10 year 24 hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a watercourse.**~~

~~**(D) (C)**~~ **The planning director may take steps to ensure compliance with the requirements of this sub-section, including but not limited to, field inspections by County staff, post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site.**

Subsections (C)(1) through (3) have been moved to the Storm Water Management section. Section (C) is used to add the information required under MCC 29.345(A)(1)(d) to ensure altered drainageways do not have its carrying capacity reduced which could cause upstream flooding.

§ 29.342 APPLICATION INFORMATION REQUIRED.

An application for development subject to the requirements of this Subdistrict shall include two copies of the following:

(A) A map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s), erosion control measures, existing sanitary drainfields, existing and proposed storm water drainage control ~~drywells~~, and trees proposed for removal.

(B) Calculations estimating the volume of all proposed cuts and fills.

(C) Documents stamped by an Oregon licensed Professional Engineer demonstrating that: the existing flood carrying capacity for any altered drainageway is maintained.

- ~~(1) Stormwater runoff attributed to the development will be managed on-site for a storm of ten-year, 24 hour design frequency or, is to be discharged to a watercourse in or adjacent to the property at pre-developed rates;~~
- ~~(2) Surcharges to sanitary drainfields have been reviewed by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems; and~~
- ~~(3) Any new discharges into public right-of-ways have complied with the governing agencies discharge review process;~~

For the modifications in (d) (see below), when a drainageway is altered the County must verify that the proposed culvert, bridge or other mechanical device does not block or reduce the channel and does not cause flooding upstream. The change in (e) is just a clarification as the code language currently uses three different terms – watercourse, constructed channel and stream. A Watercourse means an artificial or natural channel.

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design standards for grading and erosion control.

(1) Grading standards.

(d) The proposed drainage system shall have adequate capacity to handle stormwater attributed to development on-site for a storm of ten-year frequency and maintain the existing flood carrying capacity of all ~~watercourses~~ drainageways on or adjacent to the property;

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the existing flood carrying capacity for the altered portion of the ~~stream~~ drainageway.

3. Camp & Campground Use Clarification

Community Services are a type of conditional use that by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate to allow in a zone after the holding of a public hearing. One of the allowed community service uses is Camp, Campground or Recreational Vehicle Park [MCC 33.6015(A)(2)]. Camp or Campground is not defined in the zoning code. The existing definition for “*Recreational Vehicle Park*” is

“Any place where two or more vehicles designed and used for temporary human occupancy are located within 500 feet of each other on a lot, parcel or tract which is rented or kept for rent for periods of one month or less.”

Since the adoption of this definition in July 1979 by the County, the State of Oregon has removed the 180 day time limitation for living in a recreational vehicle and has used the term, “*Recreational Vehicle Park*” to mean a type of manufactured/ mobile home park and not a campground operation. The use of the term “*Recreational Vehicle Park*” for a permanent housing situation within an urban setting in ORS 197.493 has caused confusion for people operating campgrounds within our rural jurisdiction. This housekeeping amendment will define the terms “Campground”,

“Camp”, and “Campsite” and remove the term “*Recreational Vehicle Park*” from the community service uses listed in MCC 33.6015(A)(2).

In addition to the need to clarify the terms discussed above, staff proposes an amendment to clarify the temporary occupancy requirement for camp, campsite and campground uses. At present, the 30 day time limit does not set a time period in which a person can return to the campground for an additional stay resulting in ambiguity. The code can be read that you can stay 30 days and never return to this facility (strict interpretation) or stay 30 days, leave for 1 day and then return for another 30 days, over and over again without limit (lax interpretation). Since the intent of the code is to create a vacation, recreational or emergency overnight temporary use of the site, and not increase the dwelling density allowed with the rural areas, clarification is needed so that all parties know the terms of the use.

Planning staff is proposing for all camps and campgrounds that the temporary use may occur for 30 days during any consecutive 6 month period. This is the same language as in OAR 660-033-130(19) regulating uses on Exclusive Farm Use lands. In addition, Washington County uses this time period for all campgrounds whether they are within the Urban Growth Boundary or outside of it. Clackamas County uses this time period for campgrounds in its resource zones.

The proposed definitions are not intended to prohibit the personal use of a person’s property for camping, but to ensure that the use remains recreational and does not become permanent or a residential use.

Proposed Definitions:

MCC 33.0005 Definitions. [MCC 34.0005, MCC 35.0005, MCC 36.0005, MCC 11.15.0010]

Campground – An area improved with a campsite or for overnight temporary use for vacation, recreational or emergency purposes that may be occupied by a tent, travel trailer or recreational vehicle or other similar piece of equipment, but not for residential purposes. The overnight temporary use by an individual, group or family shall not exceed a total of 30 days during any consecutive 6 month period.

Camp – See Campground.

Campsite - An area improved for the purpose of locating a tent, travel trailer or recreational vehicle or other similar piece of equipment used for overnight temporary use and may include a picnic bench, water, electrical & sewage hook-ups or as otherwise allowed in the general zone. The overnight temporary use by an individual, group or family shall not exceed a total of 30 days during any consecutive 6 month period.

Proposed Code Modification

COMMUNITY SERVICE – CS

MCC 33.6015 USES [MCC 34.6015, 35.6015, 36.6015, 11.15.7020]

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

(1) Boat moorage, marina or boathouse moorage.

(2) ~~Camp, campground or recreational vehicle park.~~ Campground or camp.

(3) Cemetery, crematory, mausoleum, mortuary or funeral home.

MCC 33.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES

(A) Residential Uses

(4) ~~Recreational Vehicle Park~~ Campground– One space for each ~~vehicle~~ campsite.

4. Access Housekeeping.

In 2009, the County amended the definitions for transportation facilities in the zoning code where possible to improve consistency with frequently used Transportation definitions. In updating these definitions, there was an unintended change to the general zones (CFU, EFU, RR, RC, MUA-20, etc) requirement for *Access*. Up until January 2009, the definition for *Street* was “*A public way which provides vehicular and pedestrian access to adjacent properties....*” After January 2009, the definition for *Street* was changed to mean “*a public or private way which provides ingress & egress to a property.*” Staff has included an example of the full code section to continue the discussion further.

CFU-1: MCC 33.2073 ACCESS.

All lots and parcels in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2475(C).

The Access standard is used when new parcels are being created or when nonconforming parcels are proposed for development. The County’s Land Division code requires that all new lots or parcels must have frontage onto a public or private road (MCC 33.7910 Street Design).

MCC 33.7910 STREET DESIGN

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

(A) For a public street — in accordance with the Street Standards Code and Rules; and

(B) For a private street — in accordance with the Street Standards Code and Rules, subject to the following additional requirements:...

Previously, the use of a private road needed to be deemed safe by the approval authority pursuant to MCC 33.2073 Access. Since the definition of street now includes public or private way, the two code sections work well together, except some confusion has been created as the second half of the sentence “*or shall have other access deemed by the approval authority to be safe and convenient...*” now appears to authorize a third option of *access by easement* for land divisions. Access by easement is only authorized for nonconforming lots without public or private road frontage.

While planning staff was considering the appropriate fix to the Access standard, it became clear that this is a complex correction. A number of revisions were considered to correct this code language. In addition, an additional housekeeping item was identified. In the future, staff will

need to bring a housekeeping discussion for property line adjustments and road frontage requirements to wrap-up this issue. The Access standard contained in the general zones is considered for land divisions along with the Street Design standard. It was determined by staff that the safest change to correct this issue would be as follows:

CFU-2: MCC 33.2273 ACCESS

All new lots and parcels in this district shall ~~about a street, or~~ and shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, ~~except as provided for Lots of Record at MCC 33.2275(C).~~ An existing Lot of Record is exempt from this access requirement pursuant to the Lot of Record provision at MCC 33.2275(C).

Language for MCC 33.2275(C) included below for reference purposes only.

MCC 33.2275 LOT OF RECORD....

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

5. Code Compliance & Applications

The County Attorney's office and staff recognize that the language in MCC 37.0560 Code Compliance and Applications is not as clear as initially thought. This code section describes the circumstances in which permit approvals are withheld pending resolution of land use or building code violations. Staff has found these provisions to be an effective tool to efficiently bring properties into compliance. This provision was added to Chapter 37 in 2001 and was last amended in 2004.

The question arose whether a land use decision that was a determination (Lot of Record, Planning Director Interpretation, and/or Verification of Nonconforming Use) and not a decision approving a new use or structure could be issued without a voluntary compliance agreement (VCA) for the entire property coming into compliance with any outstanding zoning issues. Our Assistant County Attorney, Jed Tomkins advised that we should consider the intent of the language and modify it accordingly. Planning staff then researched the intent of the 2004 code amendment that established the current language and found that it was intended to allow for determinations or interpretations that do not approve any new development. The 2004 staff report to the Planning Commission states:

“Revising the first sentence of this section to include language stating “The County shall not make a land use decision or issue a building permit approving development, including land divisions and property line adjustment ...” clarifies the types of actions to which this code provision is targeted. Existing language is far reaching in its reference to all permits and is ambiguous as to what constitutes an approval, putting into question whether or not the County can make non-development related decisions which are defined under the code as permits (e.g. Planning Director Interpretations, Lot of Record Determinations, Address Changes, etc.). While the Planning Director and Hearings Officers have interpreted existing language to allow issuance of certain “non-development” permits reasoning that they do not constitute an “approval”, this change removes ambiguity, making it clear that the County can take action on these types of applications....”

Planning staff is once again attempting to clarify the language so that determinations, interpretations and address changes can be reviewed without the need for voluntary compliance agreements or other land use approvals being required. Lot of recordation determinations and verifications of nonconforming use are excellent tools to help eliminate or clarify issues associated with a property. The need for these actions is oftentimes generated by a code compliance inquiry.

MCC 37.0560 Code Compliance and Applications

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments or issue a building permit ~~approving development, including land divisions and property line adjustments~~, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

Assistant County Attorney Jed Tomkins has reviewed the proposed language modifications and believes that they clarify the intent of our code compliance language.