

## 2024 - 2026 Planning Commission Work Program

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## Introduction

The Land Use Planning (“LUP”) Division is pleased to introduce the proposed 2024 - 2026 Planning Commission work program. LUP’s proposed work program seeks to utilize existing staffing resources to complete [‘Mandated Projects’](#) to comply with State and Federal Law. Depending on FY 25 budget allocations and the outcome of pending supplemental funding requests, LUP will look to complete other [elements](#) of the proposed work program. It is important to note that the list of projects encompasses a multi-year effort. Typically, staff prioritizes mandated projects, which are required by changes to state law, the Columbia River Gorge National Scenic Management Plan, and FEMA. The next highest priority are those projects that would improve community health and safety. Additional priorities may be identified by County leadership during the course of this work program and it will be appropriate to update it accordingly. The Land Use Division is seeking resources for a new Zoning Code Improvement Project and plans to embark on this effort beginning in 2024, assuming necessary resources are secured. The Zoning Code Improvement Project would address or make unnecessary many of

the code amendments listed under ‘other identified projects’ (see [Attachment A](#)). More information on this project is found below in Section D.

## 2023 Planning Commission Work Program and LUP Project Recap

LUP completed all but one project on our 2022-2023 Planning Commission work program.

Completed projects include:

- *PC-2020-13166: Housekeeping and Minor Code Amendments*
- *PC-2019-12292: Sauvie Island Levee Accreditation and FIRM Updates<sup>1</sup>*
- *PC-2020-13166: Housekeeping and Minor Code Amendments*
- *PC-2021-14207: Urban Home Occupations*
- *PC-2022-15634: CFU/EFU Zoning Updates (in response to changes in state law)*

Additionally, in early 2023 the Planning Commission Considered the Comprehensive Plan Amendment and related permits for a new nature park in the West Hills/Tualatin Mountains in unincorporated west county.

Staff also brought several City of Portland Code amendments to the County Board for approval pursuant to our IGA with Portland for zoning codes applicable in the unincorporated urban pockets administered by the City of Portland.

## 2024 - 2026 Proposed Work Program Elements

### **A) Mandated Projects (required by changes to state law)**

*Note: The following list does not include projects that the legislature identified as optional or are currently subject to further rule-making. See [attachment B](#) for the current list of tracked legislation and rule-making.*

#### **A.1. Future Mandated Projects**

Given the nature of the legislature, future bills may require LUP to bring mandated projects to the Planning Commission over the three-years covered by this proposed work program. Therefore, staff elected to identify these specific projects under a single “project”.

#### **A.2. HB 3197 (PC-2023-17143) - Clear and Objective Path for Housing within the UGB and Rural Residential areas**

HB 3197 requires that a new clear and objective alternative path be created for any permit types that housing may be subject to within certain areas of the county.

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<sup>1</sup> The Sauvie Island application packet has been submitted to FEMA and is still being reviewed by them. County staff will continue to coordinate with FEMA on any requested items.

**A.3** *HB 2984 and other recent amendments to ORS 197 relating to affordable housing within the UGB (PC-2023-17144)*

HB 2984 requires the allowance of affordable housing on certain properties within the UGB and requires local governments to allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit.

**A.4** *Legislative changes ORS 215.291 relating to alteration or replacement of dwellings in the EFU zone.*

Legislative amendments to the ORS 215.291 take effect on January 2, 2024. The amendments relate to the conditions under which a dwelling can be altered or replaced in the EFU zone.

Note - related forthcoming rulemaking (HB 2192, 2023 Session) will update similar provisions in ORS 215.755 applicable to alteration or replacement of dwellings in the CFU zone.

**A.5** *HB 3109 (2021) Child care centers and child care homes.*

HB 3109 requires local jurisdictions to allow child care centers in commercial and industrial zones and family child care home in residential zones.

## **B) Health / Life Safety Projects**

**B.1** *Floating Structure Regulation (PC-2011-1974)*

Implements Comprehensive Plan Policy 10.11: Building, Plumbing, Electrical, Mechanical Standards for Floating Structures.

**B.2** *(new) Zoning assessment of storage tanks, related uses and infrastructure*

In response to a new report from PSU identifying the risk posed by chemical storage tanks (and related infrastructure) and their vulnerability to a seismic event, the Planning Commission should:

- a.** Study whether zoning districts for the unincorporated areas of the county under county land use jurisdiction (not under a city's jurisdiction) could allow a facility storing potentially toxic materials, and whether zoning would allow such facility in areas with geologic hazards, including earthquake, fire, flood and landslide; and
- b.** Consider land use amendments, if necessary, to reduce or eliminate the potential for developing or expanding facilities housing toxic materials where they would be susceptible to damage during a natural hazard event; and
- c.** Provide recommendations on any necessary land use and building code changes to the Multnomah County Board of Commissioners for adoption.

**B.3** *Wildfire Safety Improvement (PC-2017-9605)*

Implements Comprehensive Plan Policy 7.7: Fire safety and mitigation standards in areas prone to wildfire risk. SB 762 passed in the 2021 legislative session although has not resulted in specific rule making. Final statewide wildfire hazard map may inform planning work.

Updates may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation and development considerations in areas of increased vulnerability.

#### ***B.4 Geologic Hazards; Landslides and Seismic Hazards (PC-2018-10262)***

Implements Comprehensive Plan Policy 7.1-7.2: Update slope hazard maps and regulations. Consider Policy 7.3: Development protection regulations in high liquefaction risk areas.

#### ***B.5 Mass Gatherings (PC-2016-6021)***

Implements Comprehensive Plan Policy 3.5: Mass Gatherings. New laws were adopted by the State Legislature in 2019: HB 2790 (2019) and SB 696 (2019).

### **C) Other Identified Projects**

[Attachment A](#) provides a list of other identified projects that are important, but are not included in the current work program. Staff maintains this list as a way to keep track of projects for inclusion in future work programs along with other sources such as legislative bills related to land use and the 2016 Comprehensive Plan. Though other identified projects are not included in the current work program, projects may be brought to the Planning Commission when an issue becomes more pressing and/or the opportunity arises to elevate the project. These projects (or specific aspects of these projects) may be bundled with related projects for efficiency.

### **D) Procedural / Operational Improvements**

#### ***D.1. Zoning Code Improvement Project***

The overall goal of the Zoning Code Improvement Project is to update and modernize Multnomah County's Zoning Code, consistent with Board policy priorities, including, affordable housing, climate resiliency, and customer service, among others. LUP is seeking resources to aid in the implementation of the project, including grants. ***The precise scope and timelines involved will ultimately depend upon the level of assistance we receive.*** The project will include an audit of the code informed in part by community outreach. Staff will seek input from community members about their experience with interacting with the Zoning Code.

#### ***D.2. Ongoing Housekeeping Amendments***

LUP staff maintain a log of Zoning Code errors, unclear provisions, and other helpful amendments. Over the course of the project, staff will consult the log and where appropriate, include fixes and updates throughout the zoning code.

[Attachment A](#): Other Identified Projects

[Attachment B](#): Legislative Tracking