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DRAFT Attachment 1 – to the 2021 PC Work Program

List of ‘on-deck’ potential future Planning Commission Work Program Projects Updated December 22, 2020

Below is a list of ‘on-deck’ projects that 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 ‘on-deck’ 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. ‘On deck’ projects (or specific aspects of these projects) may be bundled with related projects for efficiency. The following nine items are new since last year: B9, B12, B17, and B48 through B52.

Table B: ‘On-Deck’ Projects

- Unlikely to be advanced in 2021 given existing resources. Can be considered for advancement to a future Work Program during future annual work program discussions

Project Name & Year Either Added to Work Program or Identified	Brief Summary	Status	Year Added	Source
Significant Environmental Concern Permit / Goal 5 Resources				
B1	SEC-v efficiencies; 2016 (PC-2019-11927)	Create Type 1 review and/or exemption to SEC-v permit for small projects, such as an addition, if pre-defined colors and materials used.	2016	Comp Plan
		Work session held June 3, 2019. Decision made to change the scope of the project Fold some items into housekeeping project.		

			And defer more difficult work to the project noted in B8 below.		
B2	ESEE Implementation ; 2017 (PC-2017-7228)	Updates to SEC habitat, SEC stream and SEC water resource extent based off Comprehensive Plan ESEE analyses.	Work session held April 3, 2017.	2017	Comp Plan
B3	Update SEC Maps, overlay extent and stream centerlines (PC-2017-9602); 2017	Implements Comprehensive Plan Policy 5.18 - 5.26: Update SEC maps and stream centerlines.	Some mapping has occurred. May integrate with ESEE project above.	2017	Comp Plan
B4	Consider adopting LiDAR visibility maps to exempt more development requests from SEC-v review; 2016	<p>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 SEC-v zoning district so staff has authority to exempt projects from SEC-v review, which will not be visible. Staff currently must make this determination through a land use review.</p> <ul style="list-style-type: none"> • Adopt Lidar maps of west hills for 0' feet to update SEC-v layer, and/or; • Adopt Lidar maps of west hills for 0,5,10,15,20,25,30,35,40 feet and refer to these maps in exemption. Goal is to justify more exemptions for projects which will not be visible at top height of structure. • Create exemption for projects under 400 or 500sf if certain specified or referenced materials and colors are used. 	Not yet begun.	2016	Staff
B5	SEC-h building footprint; 2018	Implements Comprehensive Plan Policy 5.36: Limit size and footprint of houses in SEC-h overlay in order to minimize harm to wildlife.	Not yet begun.	2018	Comp Plan

B6	Tree Removal and Tree Planting in SEC-h; 2018	Implements Comprehensive Plan Policy 5.40: Update development requirements related to tree removal and tree plantings.	Not yet begun.	2018	Comp Plan
B7	Add prohibited uses list to PAM code from the West Hills Reconciliation Report; 2019	Amend PAM code to specifically list prohibited uses that are in the West Hills Reconciliation report. Consider adding the allowed and conditional uses from the Reconciliation Report as well.	Not yet begun.	2019	Staff
B8	SEC-h Sub-designations	Consider sub designations in the SEC-h that are protective of species of concern / critical habitat areas. This would require additional ESEE analysis to determine the geography and recommended criteria for these additional Goal 5 overlays.	Not yet begun.	2019	FPNA
B9	Clarify term 'within' at MCC 39.5860 (B)(2)	39.5860 (B)(2): Consider a definition for the term 'within' for MCC 39.5860(B)(2): "Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site."	Not yet begun.	2020	Staff
B10	SEC criteria – vegetation favorable to pollinators	Consider SEC mitigation criteria that allows for native shrubs / low growing vegetation that favors pollinators (bees, butterflies etc.). Especially useful under power lines easements.	Not yet begun.	2019	FPNA
B11	Define 'subject property' for the purpose of MCC 39.5860(A)(7)	Consider defining 'subject property' for the purpose of MCC 39.5860(A)(7), "The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property." This would be helpful when considering projects that are within an easement.	Not yet begun.	2019	FPNA
B12	Simplify and Restructure the SEC Code	The SEC code appears to have become overly complex and difficult to navigate. The goal of this project will be to achieve the same or better Goal 5 protections through a more streamlined SEC Code.	Not yet begun.	2020	Staff
<i>Public Facilities and Utilities</i>					
B13	Public Facilities; 2017	Implements Comprehensive Plan Strategy 11.10-1: Public Facilities. Requires alternatives analysis prior to approving electrical substation or water system storage tank or reservoir intending to solely serve uses within the UGB.	Not yet begun.	2017	Comp Plan
B14	Under-grounding Communication Lines; 2019	Implements Comprehensive Plan Strategy 11.14-2: Undergrounding Communication Lines. Require undergrounding of personal power and	Not yet begun. Possible candidate	2019	Comp Plan

	(PC-2019-11702)	communication lines serving new or replaced development.	for housekeeping bill.		
<i>Procedures, Review Process, Use Assessment, Covenants, Tax Deferral, Lot of Record</i>					
B15	Lot of Record Maps; 2017	Adopt historic tax assessment property configuration maps and establish associated standards to help streamline Lot of Record (legal parcel) determinations. Consider process improvements including creating a Type 1 lot of record review. Comprehensive Plan Policies 1.1 and 2.40	Not yet begun.	2017	Comp Plan
B16	Lot of Record – Measure 49 Remainder Lots; 2019	Add a standard in MCC 39.3005 (Lot of Record Generally) that explicitly allows the County recognize remainder lots or parcels.	Not yet begun.	2019	Staff
B17	Lot of Record flexibility	Concept: Create a degree of flexibility in the code around LOR. Are there any ways to better help property owners resolve LOR problems who didn't create the issue?	Not yet begun	2020	Staff
B18	Lot of Record Deed Restriction; 2017	Implements Comprehensive Plan Policy 3.3: Lot of Record Deed Restriction.	Not yet begun.	2017	Comp Plan
B19	Procedural Provisions Update (PC-2012-2296); 2012	Update procedural provisions.	Planning Commission work sessions held 10.1.12, 2.4.13 and 6.3.13. Project was put on hold until after conclusion of Code Consolidation.	2012	Staff
B20	Review Processes; 2018	Consider most appropriate review path for various uses. Comprehensive Plan Policies 1.1 and 2.40	Not yet begun.	2018	Comp Plan
B21	Conditional Uses; 2018	Re-evaluate Conditional Use / Community Service provisions to determine if currently listed Conditional Uses are still appropriate within each zoning district. Comprehensive Plan Policies 2.8 and 3.6	Not yet begun.	2018	Comp Plan

B22	Right to Farm and Forestry Measures in RC & MUA-20; 2018	Implements Comprehensive Plan Policy 2.32 & Strategy 3.15-1 & 3.15-2: Implement right to farm measures for new or expanding uses in RC zone when adjacent to EFU or CFU zones. Implement right to farm measures for new, replacement, or expanded uses on MUA-20 zone when adjacent to EFU or CFU. Includes deed restriction for new and replacement dwellings and additions protecting surrounding forestry practices.	Not yet begun.	2018	Comp Plan
B23	Extending Wildlife Habitat Tax Deferral Program (PC-2015-4106); 2016	Implements Comp Plan Policy 5.3 (Formerly Policy 3.2 of the 2015 Sauvie Island / Multnomah Channel Rural Area Plan). Extends the county's wildlife habitat tax deferral program to additional zoning districts.	A briefing was held with the Planning Commission. ODFW must take action before county code amendments can be adopted. Project advancement dependent on ODFW resource availability.	2016	Comp Plan
B24	Creating distinct tiers for Type 1 permits; 2019	Explore to create a distinction between Type 1 reviews that require an application that is assigned and processed by a planner and those that are processed over the counter. A possible example: Type 1-a: Building Permits, Type A Home Occupations, Floating Home Permit, etc. Type 1-b: GEC, FD, etc. The idea is that Type 1-a would be subject to different/simpler process than Type 1-b.	Not yet begun.	2019	Staff
B25	Add standards to CS and CU in the National Scenic Area code (NSA);	Consider adding Conditional Use criteria to CS uses in Chapter 38 (NSA). Request to tie CU/CS to site review criteria.	Not yet begun.	2019	Staff

	2019				
<i>Other Projects</i>					
B26	Code changes related to Measure 49 approved dwellings and properties; 2016	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, PLA restrictions and references for setbacks to different types of forest dwellings in CFU zones.	Not yet begun. May combine with item B.18 above. May also include in EFU/CFU Omnibus	2016	Staff
B27	Short Term Rental; 2017	Add short-term rental definition and potentially amend Home Occupation regulations to clarify how much of home can be dedicated to short-term rental and consider requiring owner occupancy.	Not yet begun.	2017	Staff
B28	Surveys Required; 2016 (PC-2019-11569)	Assess when a survey should be required to confirm new development is accurately sited, particularly with respect to property setbacks. Objective is to address issue of structures not being constructed in the approved locations.	Not yet begun.	2016	Staff
B29	Non-Conforming Uses; 2018	Update non-conforming use standards. Consider other models including City of Portland, and consider breaking standards into sub-categories such as use, structure, and setback.	Not yet begun.	2018	Staff
B30	Signs; 2018	Re-evaluate sign code provisions for possible updates.	Not yet begun.	2018	Staff
B31	Property Line Adjustments (PC-2014-3619); 2013	Consider making PLAs a Type I permit. Consider code amendments addressing whether lots with road frontage should maintain that frontage after a PLA. Also, assess standards related to septic drainage systems. Consider adding flexibility to EFU equal area requirements for PLAs to include adverse possession claims and to fix encroachment issues. Comprehensive Plan Policies 1.1 and 2.40	Not yet begun.	2013	Comp Plan
B32	Raising Fowl (PC-2013-3094); 2014	Define thresholds for raising of fowl (such as chickens) for personal and commercial use. Comprehensive Plan Policies 1.1 and 2.40	Multiple work sessions have been held.	2014	Comp Plan
B33	Emergency Projects; 2018	Create expedited permit review process for reconstruction in the event of widespread community emergency. Establish requirement	Not yet begun.	2018	Staff

		<p>that bond be submitted for all emergency repair/response projects.</p> <p>Review APA model disaster ordinance to see if there are some things we should do now (procedurally) to make sure we can function after a disaster if we can't get a PC quorum together, or to speed up permit review somehow. Proactively adopt alternative procedures or even rules for rebuilding in the event the governor declares an emergency that lasts longer than X days?</p>			
B34	Oxbow Park District; 2018	Implements Comprehensive Plan Policy 8.11-1: Work with Metro to develop a park designation for Oxbow Park.	Not yet begun.	2018	Comp Plan
B35	Historic Preservation; 2017	Implements Comprehensive Plan Strategy 6.1-4: Historic Preservation -Add uses to HP overlay	Not yet begun.	2018	Comp Plan
B36	Rural Center Commercial and Industrial Uses; 2017	Implements Comprehensive Plan Policy 2.16: Rural Center Commercial and Industrial Uses. Removes limitation that industrial uses must serve the rural community and surrounding area.	Initial scoping begun.	2017	Comp Plan
B37	Private Property Burials; 2016	Assess whether land use code should be amended to address requests for private property burials. Preliminary goal is to have ability to authorize, where allowable, in a short timeframe.	Not yet begun.	2016	Staff
B38	Accessory Structure Provisions; 2019	1) Clarify how one story is measured for Allowed Use review. Intent is to prevent easy unpermitted conversion of storage loft to living space. 2) Consider limiting size of tree houses to discourage unpermitted occupation as living quarters.	Not yet begun.	2019	Staff
B39	Tualatin Basin Water Quality; 2019	<p>Assess the exemption in the Geologic Hazard provisions which refer to Tualatin Basin water provisions (OAR 340-041-0345(4)) to see if exemption language can be relaxed further and whether doing so would require amendments to Erosion and Sediment Control, Minimal Impact Project and Stormwater Control provisions for compliance with DEQ rules. The driving issue is that minor projects in the Tualatin Basin are occasionally being required to go through GH review rather than ESC or MIP review.</p> <p>Amendment should indicate that erosion and sediment control practices are still required for ground disturbing activities.</p>	Issue scoped as part of PC-2016-5384 where it was determined a discrete project was warranted. Further research needed, including discussion with DEQ.	2019	Staff

B40	Flood Hazard Rewrite; 2019	Rewrite Flood Hazard code to improve readability.	Not yet begun.	2019	Staff
B41	Willamette River Greenway Updates; 2016	Implements Comprehensive Plan Policy 5.15; Update to WRG regulations.	Not yet begun.	2016	Comp Plan
B42	Temporary Use of Live-aboard Boats; 2018	Implements Comprehensive Plan Policy 10.15: Consider standards to allow temporary use of live-aboard boats.	Not yet begun.	2018	Comp Plan
B43	Third Party Experts; 2019	Should the Administrative Procedures be amended to specify that the Planning Director has the authority to require a third party expert(s), when the Planning Director believes that an outside expert should provide additional information and/or that a second opinion is warranted in order to provide more clarity/certainty in a land use matter? Should applicant be required to pay third party expert?	Not yet begun.	2019	Staff
B44	Parking Code	Update the use formulas in the County's parking code. Consider, among other things, the parking requirements for religious uses – currently tied to pew space. Update to reflect uses currently in code. Expressly allow option for parking study.	Not yet begun. Also see item B.53 (Removing Barriers to and adding support for Transportation Demand Management Strategies in the Zoning code)	2019	FPNA
B45	CU and CS Code Define 'Character of the area'	Conditional Use Approval criteria that the use be consistent with the character of the area - consider adding the word 'rural' to that standard. Standard is at MCC 39.7015()(1): "Is consistent with the character of the area"	Not yet begun.	2019	FPNA
B46	Define the term 'primarily' in the standard at MCC 39.7015(A)(8)	Consider project to define the term 'primarily' in the standard at MCC 39.7015(A)(8): "The use is limited in type and scale to primarily serve the needs of the rural area."	Not yet begun.	2019	FPNA

B47	Tie Design Review standards to native plant list	Similar to above, consider tying Design Review landscaping standards to same native plant list with same prohibition on nuisance plants.	Not yet begun.	2019	FPNA
B48	Retroactive permitting of structures that do not meet current zoning.	Consider criteria for retroactive compliance for structures and development if they would have met certain zoning requirements in effect at the time but didn't receive land use or building permits.	Not yet begun.	2020	Staff
B49	Metro – Regionally Significant Industrial Areas	Parts of Unincorporated Multnomah County are designated as Regionally Significant Industrial Areas (RSIA) by the State and Metro. There are criteria for uses and development that are not listed in the zoning code. Currently, planners instruct applicants and potential buyers to look into Metro's requirements found in Metro's Title 4.	Not yet begun	2020	Staff
B50	Exemption for small temporary accessory structures	Add exemptions for all land use review for small temporary accessory structures such as children's play houses, mailboxes, dog houses, etc. May not be able to exempt in FH zone per FEMA requirements. May need to define thresholds, such as assuming no BP needed, not occupiable space and no more than one story. LUP team discussed on 7/24/20 and agreed such an approach would be helpful. See Tualatin code for example.	Not yet begun	2020	Staff
B51	Restriction on city or county refusal of building permit in residential subdivision	Add new provision to Land Division Code: ORS 455.175 Restriction on city or county refusal of building permit in residential subdivision (1)As used in this section: (a)“Conditions of development” means requirements that, as part of a residential subdivision, a developer, declarant or owner must construct public improvements that are contained in: (A)A development agreement under ORS 94.504 (Development agreements) to 94.528 (Recording); (B)Conditions of approval under ORS 92.040 (Application for approval of subdivision or partition), 215.416 (Permit application) or 227.175 (Application for permit or zone change); or	Not yet begun	2020	Legislature

		<p>(C) Any other agreement with, or conditional approval by, a local government.</p> <p>(b) “Residential subdivision” means a residential development requiring a developer, declarant or owner to subdivide land, as defined in ORS 92.010 (Definitions for ORS 92.010 to 92.192), and to obtain a permit under ORS 215.416 (Permit application) or 227.175 (Application for permit or zone change).</p> <p>(c) “Substantial completion” means the city, county or other appropriate public body has inspected, tested and found acceptable under applicable code requirements, unless the parties agree to a lower standard:</p> <p>(A) The water supply system;</p> <p>(B) The fire hydrant system;</p> <p>(C) The sewage disposal system;</p> <p>(D) The storm water drainage system, excepting any landscaping requirements that are part of the system;</p> <p>(E) The curbs;</p> <p>(F) The demarcating of street signs acceptable for emergency responders; and</p> <p>(G) The roads necessary for access by emergency vehicles.</p> <p>(2) A city or county may not deny a building permit allowing the construction of residential dwellings under a residential subdivision on the basis that the conditions of development have not been met, if:</p> <p>(a) Substantial completion of conditions of development for the residential subdivision occurs; and</p> <p>(b) The developer, declarant or owner, to secure the completion of the remaining public improvements included as conditions of development for the residential subdivision:</p>			
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		<p>(A)Obtains and maintains a bond; or</p> <p>(B)Undertakes an alternative form of financial guarantee, if any, that is acceptable to, but may not be required by, the city or county.</p> <p>(3)Subsection (2) of this section does not prevent a city or county from declining to issue certificates of occupancy for any residential dwellings if all conditions of development are not fully completed or the conditions for the release of the bond are not fulfilled. [2019 c.397 §1]</p> <p>Note: 455.175 (Restriction on city or county refusal of building permit in residential subdivision) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 455 or any series therein by legislative action.</p>			
B52	Clarifying intent of 'customarily incidental or subordinate' in accessory structure code.	Consider clarifying "customarily incidental or subordinate" language in accessory structure code.	Not yet begun	2020	Staff
B53	TDM in the Zoning Code 2019	Removing Barriers to and adding support for Transportation Demand Management Strategies in the Zoning code (i.e. parking fees).	Not yet begun. Also see item B.44 (Revise Parking Code)	2019	TSP