



memo

to **Kevin Cook and Megan Gibb, Multnomah County**

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re **Final Best Practices Memo (Task 2.1)**
Multnomah County Code Improvement Project

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Best Practice Counties

- [Clackamas County](#)
- [Deschutes County](#) (Goal 5 sections are currently being updated)
- [Hood River County](#)
- [Lane County](#)
- [Tillamook County](#)

Key Code Issues

The following topics have been identified as high priority areas for refinement:

- **Code organization.**
 - Single-column format
 - Minimize cross-references and hyperlink necessary cross-references
 - Improve the legibility of code for applicants and simplify language
 - Potentially remove selected development standards from Chapter 39
 - Use tables to describe allowed uses and required review procedures
- **Application procedures.**
 - Rewrite/reorganize for clarity and improve process charts
 - Review necessity and extent of application of “full compliance” standards
 - Determine if Lot of record should be applied to specific application types; simplify process
 - Clarify which review processes apply to which development type; ensure review types are commensurate with impacts of development types
 - Explore allowing modifications without a full review process
- **Common Development Standards.**
 - Identify standards that can be moved to Chapter 29 – Building Regulations, e.g., grading and fill regulations, or others
 - Assess appropriateness of rural vs. urban parking standards
 - Improve sign standards

- Include bus stop and transit requirements
- Incorporate Dark Sky provisions
- **Conditional Uses.**
 - Review and refine purpose, approval criteria, uses and procedures, and use requirements.
- **Specific Use Standards.**
 - Key areas to discuss in this section may include design review, minor exceptions, adjustment and variances, nonconforming uses, bus shelters, marijuana businesses, temporary uses, home occupations, and recreational vehicle parks.

The following table summarizes these issues in more detail and notes potential best practices from other County codes identified by the project team as potential models for Multnomah County use in improving its code. The MIG team acknowledges that while some other County codes provide possible examples to emulate, many of them do not in fact represent best practices. In some cases, we did not identify a best practice for a given code issue. As a result, the table notes those items that can be considered as best practices, as well as other codes that should not be considered best practices in specific areas. In a number of cases, the County may want to look to codes for Oregon cities and/or the Oregon Department of Land Conservation and Development's Transportation and Growth Management Model Code for Small Cities. Although those codes are focused on more urban development, many of the approaches used to convey and organize information may still be applicable to Multnomah County's code.

Code Comparison

Key findings for comparable codes are in the table below. **Best practices to consider (or practices to avoid) are indicated with bold text.**

Code Issue	Multnomah Co.	Clackamas Co.	Deschutes Co.	Hood River Co.	Lane Co.	Tillamook Co.
Code Organization	Two-column format Table of Contents links to specific sections No use of hyperlinks Very narrative-heavy	One-column format Section 1100: Development Review Process Section 1300: Administrative Actions Review Process Utilizes tables	One-column format Broken into several chapters within the County Code: <ul style="list-style-type: none">Title 18: ZoningTitle 22: Deschutes County Development Procedures OrdinanceTitle 17: SubdivisionsTitle 15: Building and Construction	One-column format Zoning Ordinance broken up by “Articles” with a webpage with links to the Articles. The Articles are similar to chapters in other codes. The document itself does not contain links. EFU Zone and Forest Zones have tables that contain allowed uses, review procedure and reference to applicable standards (Article 3 Table 3.02, Article 4 Table 4.02) but no tables in other zones. Narrative light Contains development standards	One-column format Broken into several chapters within the overall County Code <ul style="list-style-type: none">Chapter 10 Zoning (Lane County Zoning Ordinance for unincorporated zones/districts)Chapter 11 BuildingsChapter 13 Land DivisionsChapter 14 Application Review and Appeal ProceduresChapter 15 RoadsChapter 16 Land Use and Development Code (for Rural Comprehensive Plan Zones) No links to ease navigation (except on county webpage) Some zones contain use tables Example Chapter 16 (Forest Zones) have use tables with procedures type and reference to applicable standards. The presence of use tables is inconsistent in Chapters 10 and 16. Narrative heavy NOT a best practice in most respects (relies on narrative, hard to navigate, etc.)	One-column format Land Use Ordinance includes Development approval procedures. Narrative heavy

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Application Procedures	<p>Rewrite for clarity and improve process charts.</p> <p>Consider not requiring all Type II apps to be subject to a pre-application conference.</p> <p>“The application requirements are significant. Possibly rethink the need for a title report for a Type I or II application.”</p> <p>“Reapplications are prohibited for a year. This applies to the same application or a substantially similar application. Whether it is substantial can only be determined through the application process, which effectively places the applicant in jeopardy. It may be beneficial to eliminate this provision.”</p>	<p>Table 1307-1: Land Use Permits by Procedure Type includes whether pre-application conferences are required.</p> <p>Best practice.</p>	<p>Application procedures are located in DCC Title 22.</p>	<p>Approval Procedures is Reserved for Article 2 but is currently empty.</p> <p>No comprehensive list of approvals and review procedures aside from Farm and Forest Zones.</p> <p>Article 72-Planning Directors’ Review - has list of applications where the Planning Director is the Decision maker.</p>	<p>Contained in standalone Chapter 14 with standard application requirements and Type I-Type IV procedures.</p> <p>No comprehensive list or information for types of applications under each review process.</p> <p>Chapter 10 contains General Application Criteria which outlines ownership requirements, pre-application process, and PUD process.</p>	<p>Addressed in Article 10 with application standards for Type I-IV procedures.</p>
Review Procedures	<p>Update process charts</p> <p>Consolidate requirements and processes for each review type into code sections by review type</p> <p>Create a chart that outlines review process needed for each permit type or use type</p>	<p>Comprehensive list of review procedures and review authority in Table 1307-1: Land Use Permits by Procedure Type</p> <p>Best practice.</p>	<p>Review procedures are located in DCC Title 22.</p> <p>No clear table or location to find which applications follow which procedures.</p>	<p>Review Procedures are located in separate Articles with unclear titles. Administrative Procedures (Type II and Type III), Land Use Permits (Type I), Review by Board, Planning Director’s Review.</p> <p>Article 64 Land Use Permits – contains clear procedures and application requirements for Type I permits by development type (residential, commercial, industrial).</p>	<p>Contained in Chapter 14 with standard application requirements and detailed process for Type I-Type IV procedures.</p> <p>No clear table or location to find which applications follow which procedures.</p> <p>Chapter 10 contains section on Site Review Procedures (10.335) that contains when and when not Site Review Permits are required, criteria for Site Review Permits and the procedure (Type II).</p>	<p>Addressed in Article 10 with detailed process for Type I-IV procedures.</p> <p>No clear table or location to find which applications follow which procedures.</p> <p>CUP procedure is in Article 6.</p>

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Modifications	<p>All modifications must go through the same review process (39.1170(E)). Other modifications are allowed at Planning Director and Planning Commission discretion.</p> <p>May consider setting a modification threshold or identifying major/minor modification types.</p> <p>39.1170 (E): <i>Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application provided the standards and criteria used to approve the decision are consistent with the current code.</i></p>	<p>Section 1309: Modification Modifications to Type II or III permits are allowed subject to the criteria of 1309.01.</p>	<p>Modifications are separate from the County zoning code in DCC Chapter 22 with all Deschutes County Development Procedures.</p>	<p>Article 1.090 Introductory Provisions – Minor and Major Modification section- contains the procedure for Minor and Major modifications. Minor modifications are subject to approval of the Planning Director (ministerial). Major Modifications are Type II approvals (non-ministerial). No specific approval criteria listed.</p>	<p>Chapter 14 contains a procedure for Modifications</p> <p>Modification of Approval. An application for modification of approval must identify and address any standards or criteria that the original approval addressed; and address compliance of the requested modifications with any applicable standards or criteria. A decision on a modification of approval must be made by the same approval authority as the original final decision unless the original decision allows modification by a different approval authority.</p>	<p>Code does not clearly address this issue.</p>
Common Development Standards	<p>From code analysis memo:</p> <ul style="list-style-type: none"><i>Solar Access – Provisions in Part 4.D.5.a., may be more suitable as part of the building code provisions.</i><i>Dark Skies - Provisions in Part 6.C.3., may be more suitable as part of the building code provisions.</i> <p><i>Street Naming – This is usually not a land use action. Many codes simply note new streets must follow adopted naming provisions and reference the applicable ordinance.</i></p>	<p>Separate section for development standards. Section 1000: Development Standards</p> <p>Includes table of applicability (uses do not correlate 1:1 with zone use tables)</p> <p>Includes standards such as parking & loading, solar access, utilities, site and building design, lot size and density, PUDs, landscaping, roads and connectivity, historic preservation, etc.</p>	<p>Site development standards are located in the chapters of each zone and standards such as parking, fences, etc. are located in the Supplementary Provisions chapter.</p>	<p>Development Standards are located in the Articles of each zone. The only development standards located in separate Articles are ‘ Parking and Loading’ and ‘Buffer Requirements’ plus ‘Supplementary Provisions’</p>	<p>Development Standards are not consolidated and located in zones (Chapter 10 or Chapter 16) and in Chapter 15 for Roads and Chapter 11 for buildings.</p> <p>NOT a best practice.</p>	<p>Development standards are located in Article 4.</p> <p>Some Goal 5 resource zones include separate development standards.</p> <p>Article 5 addresses special use standards.</p> <p>Generally best practice to have separate chapter for development standards.</p>
<ul style="list-style-type: none">Parking in rural areas	<p>Current commercial parking standards (e.g. number of spaces, loading requirements, etc.) do not necessarily reflect</p>	<p>Parking and loading requirements are different within/outside of the UGB and</p>	<p>Parking and Loading requirements are by use and don’t differentiate between</p>	<p>Parking and Loading requirements are by use and don’t differentiate between</p>	<p>Parking requirements are not consolidated and difficult to locate.</p>	<p>Parking and Loading requirements are by use and don’t differentiate between</p>

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	the needs of businesses in the County and may be burdensome to business owners.	parking maximums are separated by Urban Zones A&B County may want to consider this as a best practice option.	urban/rural or inside/outside UGBs.	urban/rural or inside/outside UGBs.	Parking requirements located in separate zoning classifications in both Chapter 10 and Chapter 16. Chapter 10.300-05 contains standards for parking areas for the zones in the Zoning Ordinance. Chapter 16.250 contains standards for parking for the Rural Comprehensive Plan districts.	urban/rural or inside/outside UGBs.
<ul style="list-style-type: none">Bus shelters, transit standards in rural areas	Availability of transit is a criterion of granting a minor exception to parking standards as part of the design review process. This may not be an appropriate review criteria in the more rural areas of the County. 4.D.6 – Urban Medium Density Residential Base Zones General Provisions: Purpose statement includes “promote transit use” – Is this practical on County land?	Bus shelters may be included as part of roadway design per 1007.2 Public and Private Roadways.	Not address in Code	Not addressed in Code	Not addressed in Code	Not addressed in Code
<ul style="list-style-type: none">Signs	Current sign regulations are disorganized and confusing to follow. Some sign regulations (e.g. temporary signs, etc.) need clarification. Billboard regulations should have their own section or be at the end of the signs section.	Sign code chapter (1010 Signs) includes temporary displays and signs provisions (1010.13). Best practice.	Not addressed in Code.	Not addressed in Code.	Sign code located in each separate zoning chapter.	Addressed in Section 4.020.
Conditional Uses	Need to clarify the purpose of conditional uses. Code currently has separate standards for each base zone in addition to the general	Section 1203 outlines standards, criteria, and procedures under which a conditional use may be approved.	Chapter 18.128 - Conditional Uses outlines general approval criteria for conditional uses, except for single family dwellings.	Separate conditional uses criteria located in base zones (but not all base zones). Zoning chapters refer to Article 60 Administrative Procedures	Conditional uses identified in zoning district classification in separate zone sub chapters. Chapter 10.320 Conditional Use Permits	Conditional uses identified in zoning district classification in separate zone sub chapters.

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	<p>standards in Part 7. Clarify which standards prevail.</p> <p>May need to develop additional approval criteria. Currently rely on Comprehensive Plan compliance.</p> <p>Separate uses from procedures to allow more flexibility in applying conditional use reviews across zones.</p>		<p>Limited specific provisions in each base zone.</p>	<p>for Conditional Uses where it is identified by default as a Planning Director’s decision (not a PC action).</p>	<ul style="list-style-type: none">provides additional Conditional Uses that may be permitted in zoning districts except where expressly limited.provides CUP criteriaIdentifies CUP as Type III procedure in Chapter 14. <p>Chapter 16 does not contain additional CUP section outside information in each zone.</p>	<p>Conditional Use procedures and criteria are located in Article 6.</p> <p>Conditional Use determinations are made by the Planning Director and may be referred to the Planning Commission at the Director’s discretion.</p>
Use Tables	<p>County would like to implement Use Tables.</p>	<p>Use tables organized by zone type sections:</p> <ul style="list-style-type: none">Urban & Rural Residential DistrictsNatural Resource DistrictsCommercial DistrictsIndustrial DistrictsSpecial Districts <p>Use categories are defined as: P (permitted), A (accessory), L (limited, must be developed concurrently with primary), C (conditional, subject to Section 1203), CPUD (conditional planned use development), X (prohibited)</p> <p>Best practice.</p>	<p>No use tables.</p>	<p>Resources Zones (EFU, Forest Zones) contain use tables. The other zones do not have use tables.</p>	<p>Resources zones and some other zones contain use tables but the presence of tables in the zones is inconsistent throughout Chapter 10 and 16.</p> <p>Best Practice - Example of use table is 16.285 Use Table for CR Zones</p>	<p>No use tables.</p>
Lots of Record	<p>Verification is required for all zones, but some zones have different Lot of Record provisions. This should be simplified.</p>	<p>Definition for “lot of record’ is clear and simple, located in the overall Definitions section.</p>	<p>22.04.040 Verifying Lots of Record: Verified by County staff with land use permit application.</p> <p>18.04.03 clear, simple definition</p>	<p>Definition for “lot of record’ is clear and simple is located in the overall Definitions, EFU Definitions, Forest Zone Definitions, and Land Division Definitions.</p> <p>No “lot of record’ procedure present except in EFU and</p>	<p>Chapter 13 Land Divisions contains a legal lot verification process. It is a Type II procedure except if the subject property was created prior of 1949 (prior to the County’s earliest subdivision ordinance) then it can be a Type I.</p>	<p>Definition for “lot of record’ is clear and simple, located in the overall Definitions.</p> <p>Lot of record verification procedures listed in some separate base zone chapters.</p>

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			<p>Some exceptions to the rules for lot of record are listed within the applicable zone or use section (ex. Marijuana related uses)</p> <p>Not required for all lots.</p> <p>County may want to consider this approach as a model/best practice.</p>	<p>Forest Zones for “Lot of Record Dwellings” approval which is a Type II process.</p>	<p>Complex verification standards.</p> <p>Chapter 10 10.305-10 Nonconforming Lots of Record- allows for single family dwellings in non-resource zones on nonconforming lots of record.</p>	
Fill/Removal, Grading, Erosion	<p>Could be moved to Building Code.</p>	<p>Section 1002 Protection of Natural Features includes some fill and removal standards.</p>	<p>Fill/removal standards included in Title 18 under conditional uses in each zone.</p> <p>Not a best practice.</p>	<p>Regulations for grading and erosion control are not located in the Zoning Ordinance.</p>	<p>Regulations for grading and erosion control and located in a separate chapter of the County Code (Chapter 9 – Environment Health)</p>	
Full Compliance	<p>Current full compliance requirements are triggered even by small site or building improvement applications. May consider creating a threshold?</p> <p>Section 39.1250 Code Compliance and Applications [...]</p> <p>A. <i>A permit or other approval, including building permit applications, may be authorized if:</i></p> <p><i>It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. [...]</i></p>	<p>Section 102.02 requires conformance with the regulations of each zone but does not specifically say “full compliance”.</p> <p>Section 1206.07 Alteration provides options for changes to nonconforming uses.</p> <p>Unclear how or if ‘full compliance’ is applied in development review.</p>	<p>Section 18.08.010 Compliance</p> <p>Unclear how or if ‘full compliance’ is applied in development review.</p>	<p>Article 1.070 Compliance with Ordinance Provisions, Classification and Zones states the Planning Director, the Director's designee or other Approving Authority shall not approve a development or use that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.</p> <p>Section 1.140 – Code Compliance states an application for land use action may be rejected prior to filing or at any point during the application process if the affected property is found to contain a land use violation while processing the application.</p>	<p>Chapter 10 - Non-conformation structures and uses have standard non-conforming restrictions and allowances as most jurisdictions.</p> <p>Chapter 16- 16.251 Non-Conforming Uses - contains a process for Verification of a Nonconforming Use – Type II procedure. Alternations and expansions to the use allowed through a Type II process.</p> <p>Unclear how or if ‘full compliance’ is applied in development review.</p>	<p>Section 1.030 Compliance with Ordinance Provisions</p> <p>Unclear how or if ‘full compliance’ is applied in development review.</p>

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Variance Procedures	<p>Section 39.9595 Adjustments and Variances: <i>An adjustment or variance from certain dimensional requirements in MCC 39.9500 through 39.9590 of this Ordinance may be authorized by the Approval Authority under the provisions of MCC 39.8200 through 39.8215.</i></p> <p>Section 39.8215 Variance Approval Criteria.</p>	<p>Section 1250 Limited dimensional standard variances</p>	<p>Chapter 18.132: Variances Planning Director or Commission reviews applications for variance in accordance with 18.132.025.</p>	<p>Article 66 – Variances</p> <p>The Planning Director reviews applications for variances in accordance with Article 72 Planning Director’s Review.</p>	<p>Chater 10.330 – Variances Contains standard Variance criteria (one type) and is a Type II review procedure called out.</p>	<p>Article 8 – Variance Procedures and Criteria</p> <p>Administrative procedure, may be referred to Planning Commission.</p> <p>Vague approval criteria.</p>
Other Provisions		<p>Section 106: Authorization of Similar Uses</p> <ul style="list-style-type: none">Is this something to consider incorporating into the Multnomah County code to make it more permissive and allow planners more discretion? <p>Section 800: Special Use Requirements Separate sections for many uses such as places of worship, product stands, home occupations to host events, Bed and Breakfast Residences and Inns</p>	<p>Separate chapters for family child care centers, nursery schools, psilocybin, marijuana related uses, ADUs, manufactured homes.</p>	<p>There are separate Articles for specific uses such as Home Occupation, B&Bs, STRs, Marijuana and Psilocybin, Cell Towers, Home Occupations for Hosting Weddings and Events.</p> <p>National Scenic Area Ordinance is located in Article 75 (2022 last amendment).</p>	<p>Special Uses, ADUs and Home Occupations (separated by home occupations and rural home occupations) are contained in separate sections of Chapter 10.</p>	<p>Section 2.040 Authorization Of Similar Uses is completed at Planning Director discretion.</p>