memo

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

from **Emma-Quin Smith, Carrie Brennecke, and Matt Hastie, MIG**

re **Task 4.1 – Key Findings Summary**
Multnomah County Code Improvement Project

date **05/27/2025**

Introduction

This memorandum highlights the key findings of the first three tasks of the Multnomah County Zoning Code Improvement Project including the best practices research and reporting, stakeholder engagement activities, and completion of a draft and revised code audit report. These tasks lay the groundwork for two projects happening simultaneously: the broader Multnomah County Zoning Code Improvement Project and the DLCD Clear and Objective (C&O) Code Update.

Project Background

The Multnomah County Code Improvement Project is intended to update and modernize the Zoning Code, consistent with County policy priorities, including affordable housing, social equity, climate resiliency, and customer service, among others. The DLCD Clear and Objective code update is primarily intended to ensure that provisions related to housing in Chapter 39 of the zoning code are clear and objective and comply with applicable housing-related state statutes, rules, guidelines and other legal requirements, but will also include amendments supporting the Code Improvement Project. These projects will lead to a consolidated set of amendments that will make the code more user-friendly, clear, and objective.
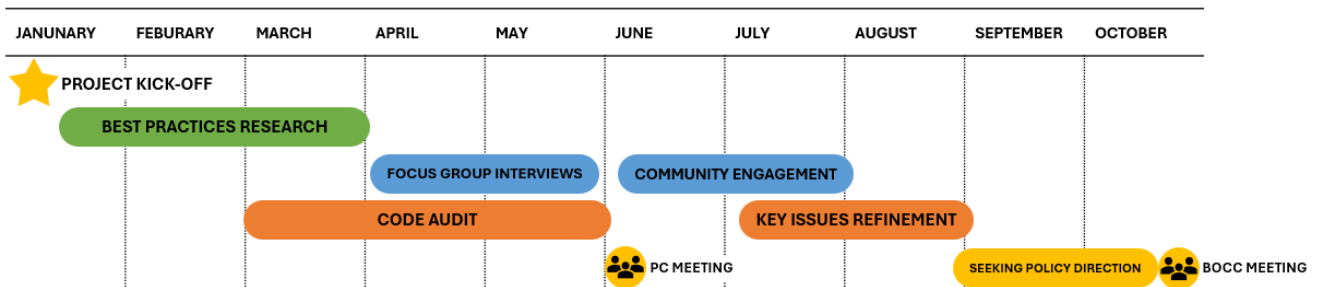
Key Code Issues

The following issues were identified by Count staff as high priority areas of refinement. These topics were researched in the Best Practices Assessment and echoed in stakeholder interviews. The team then evaluated and described these issues in more detail in the Code Audit Report.

- **Code organization.**
  - Provide code in a single-column format to enhance readability
  - 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
  - Provide guidance for applicants and other users about how to navigate and use code

- **Application procedures.**
  - o Rewrite/reorganize for clarity and improve process charts
  - o Review necessity and extent of application of "full compliance" standards
  - o Determine if Lot of Record should be applied to specific application types; simplify process for meeting requirements
  - o Clarify which review processes apply to which development type; ensure that review types are commensurate with impacts of development types
  - o Explore allowing modifications to applications without a full review or resubmittal process
- **Common Development Standards.**
  - o Identify standards that can be moved to Chapter 29 – Building Regulations, e.g., grading and fill regulations, erosion control, stormwater management, or others
  - o Assess appropriateness of rural vs. urban parking standards
  - o Improve sign standards
  - o Include bus stop and transit requirements
  - o Incorporate Dark Sky provisions
- **Conditional Uses.**
  - o Review and refine purpose, approval criteria, uses and procedures, and use requirements.
- **Specific Use Standards.**
  - o 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, Significant Environmental Concern (SEC) overlay standards, and recreational vehicle parks.

Project Schedule

Best Practices Assessment Findings

The project team reviewed five county codes from across the state of Oregon to help identify best practices for addressing the code issues identified for improvement by Multnomah County Staff and the MIG team. The team reviewed codes from Clackamas, Deschutes, Hood River, Lane, and Tillamook Counties. It was found that while some other County codes provide possible examples to emulate, many of them do not in fact represent best practices. The evaluation noted 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 some cases, the other county codes did not include a best

practice identified to address a particular key issue. 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 for best practices. 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. The following summary provides an overview of some of the key best practices findings, organized by code issue. A full assessment can be found in the Attachment A: Best Practices Memorandum.

Code organization:

One of the key issues identified is the two-column format of the Multnomah County Code. All of the county codes reviewed as part of this effort use a single-column format which is much easier to read and follow than a two-column format. Additionally, the Multnomah County Code is considered to be very verbose and narrative heavy. The Clackamas County code may be a suitable code to emulate for code organization due to its use of tables to organize information about allowed land uses and applicable development standards. Another best practice in code organization (that was not necessarily identified among these five county codes but is widely used in municipal codes) is hyperlinking. Hyperlinks allow those reading the code to easily navigate between cross-references to chapters and sections without getting lost in a long document. Although the Table of Contents (TOC) for Multnomah County's code includes hyperlinks to those sections, that is not readily apparent from viewing the TOC and the code does not include hyperlinks in other sections. Additionally, it is considered best practice to host a development code on an online platform such a MuniCode or American Legal Publishing. These platforms allow for easy code navigation and search functionality.

Application & Review Procedures

The Multnomah County Code currently includes a process chart that outlines which review type is required for various types of applications; however this chart does not specify whether an application is subject to a pre-application conference. The Clackamas County Code represents the best practice of including a table that outlines land use permits by procedure type and specifies whether pre-application conferences are required for a given application type. Multnomah County is considering not requiring all Type II applications be subject to a pre-application conference; if this is the case, the process chart should be updated for clarity and accuracy.

Common Development Standards

Currently, development standards (i.e. lot sizes, etc.) are included in each base zone section of the Multnomah County Code. It is best practice to have a separate chapter for development standards including lot dimensions, development density, signs, and off-street parking. The Tillamook County Land Use Ordinance serves as a good example for organizing common development standards.

The County is interested in making substantive changes to the parking and loading standards. Current commercial parking standards (i.e. number of spaces, loading requirements, etc.) do not necessarily reflect the needs of businesses in the County and may be burdensome to business owners. Clackamas County may be considered as a best practice option for regulating parking in rural areas. Parking and loading requirements are different within/outside of the UGB and parking maximums are separated by Urban Zones A&B.

Conditional Uses

County staff expressed a desire to develop conditional use approval criteria separate from the Comprehensive Plan and to distinguish conditional uses from procedures and to allow more flexibility in applying conditional use reviews across zones. Across the five County codes assessed, there was not a specific best practice identified. Several codes identify conditional uses in zoning district sub-chapters and conditional use procedures and criteria in a separate article. This is one option for reorganization of the Multnomah County Code.

Lots of Record

The County currently requires a detailed lot of record verification process for all zones, with different provisions in some zones. Virtually all types of development require an application to conduct a lot-of-record verification. All county codes reviewed as part of this assessment include a much simpler verification process and incorporate a clear and simple definition in the overall Definitions section of the code. Deschutes County may be considered as a best practice: Lots of record are verified by County staff with a land use permit application; there is a clear and simple definition of "lot of record" in the definitions section of the code; and verification is not required for all lots or all types of development. Exceptions are listed within the applicable zone or use section.

Stakeholder Engagement Findings

In April 2025, Matt Hastie, Carrie Brennecke, and Emma-Quin Smith from MIG, conducted a series of interviews to help identify potential opportunities for improving the County's Development Code. County staff attended two of the focus group interviews to provide additional project context. Interview participants included a variety of community members involved with the provision of housing and other development in Multnomah County, as well as local residents, public agency representatives, and other interested parties. The interviews were conducted by MIG via Zoom meetings.

Below is a summary of recurring themes and comments originating from the interviews. Comments fell into three broad categories pertaining to 1.) application process challenges and opportunities; 2.) permit application requirements; and 3.) code format and accessibility. These categories generally align with County staff's initial thoughts regarding potential changes to the code. More detailed responses and a full list of interview questions can be found in Attachment B: Focus Group Interview Summary.

Application Process Challenges and Opportunities
- Lot of record verification process is long and onerous. Interviewees felt it requires too much paperwork to verify a lot that, in some cases, has been verified many times before. There should be a more clear and objective verification process. A former planner notes that Multnomah County applies these requirements to virtually every application while other counties apply them in only limited circumstances.
- Permit processing timelines are long and can lead to other project delays related to labor and materials availability, loss of funding, and seasonal weather challenges.
- The "why" of some steps of the process is unclear and leads to frustration. For example, an interviewee noted that it seems redundant to require a zoning review after a land use decision process is complete. It feels like there should be opportunities to reduce the number of steps in the process.

- Application filing fees are reasonable, but the amount of consultant time and effort needed to address the application requirements (i.e. geotechnical surveys, environmental reviews, etc.) represents a substantial investment.
- There is not a straightforward way to change or update applications once they have been submitted. The application process seems to assume that applicants are ready to build, essentially combining the building permitting and entitlement process into one application, which makes it difficult to make changes to projects that are in earlier stages of design or planning.
- Planners sometimes deem applications incomplete for minor inaccuracies which can be easily fixed without resubmitting the application or for issues that are related to compliance with planning standards, rather than submittal requirements. This can slow down the review process.
- Permit extension and expiration timelines are not clear.
- It would be helpful to have an opportunity to create a fast track for partner agency permits that have tight funding timelines and higher levels of project oversight in addition to the County.
- An easy-to-understand roadmap of the application process with a clear list of application requirements available on the County website would be helpful at the outset of projects.
- Create more paths to type 1 review and expand standards for developments that have minimal impacts.
- County planners interpret many code provisions very literally, often leading to longer processes and challenges for applicants.
- Participants generally complemented County staff on their efforts working with applicants and the code. They say that staff appear to do the best they can with limited resources and too much work. Improving the code would help fee up their time and reduce their potential to be overwhelmed.
- It would be helpful to applicants to have a staffed in-person development services counter where it would be a one stop shop to talk with staff and get assistance on various applications and permits.
- Locating all the applicable permit requirements is challenging for applicants. Developing "How to" guides for different types of developments with checklists and references to the application requirements would help applicants navigate the process.

Permit Application Requirements

- Review criteria are redundant and there are multiple paths to take. It's unclear which path to take and why there are so many findings to make for straightforward criteria.
- Many review criteria are disproving negatives which leads to making redundant findings and lots of text.
- Full compliance review process for a small change to a property is onerous and causes major cost and delays to applicants, especially those who are engaged in relatively small projects or limited actions.
- Code is more restrictive than it needs to be. Some requirements on the application form are nearly impossible to fill out at the time of application submittal (e.g., the number of dump trucks to be used for fill or removal on a geohazards application).

- Some types of requirements may not belong in the development code and are very challenging for planners to administers such as erosion control and ground disturbance (e.g., grading and filling). In other jurisdictions, these are handled through the building permit application process or by engineering staff. Given the technical nature of these requirements, it is challenging for land use planners to address them. Stormwater management requirements have similar issues.
- The code prioritizes conservation and Goal 5, which interviewees felt was overall a good thing. However, this leads to a mismatch in how restrictive standards are for relatively low impact developments. With changes to jurisdiction boundaries (i.e., less of the County remaining in urban areas), the code does not need to manage as much urban development as it once did and could be updated to reflect this. Meeting participants also note that Significant Environmental Concern overlay standards are not clearly written and are difficult both to comply with by applicants and administer by staff.
- The permit application online system does not allow right-of-way (ROW) to be selected as the project location which leads to challenges for ODOT-led projects.

Code Format and Accessibility
- Two-column format is hard to follow.
- Code narrative is verbose and full of "legalese" which makes it challenging for a non-planning professional to understand.
- Many cross-references make it difficult to keep track of all development and application requirements that must be met.
- Minimally hyperlinked PDF is difficult to navigate. Interviewees indicated that it would be helpful to have the code hosted online on a searchable, easy to navigate platform similar to MuniCode.
- Hard to find the Comprehensive Plan, which is referenced in the list of Planning Commission review criteria.
- Graphics that depict standards, processes, and definitions would help make the code more user-friendly.
- Significant Environmental Concern (SEC) overlay zone requirements are hard to follow and it is hard to discern which type of SEC application applies to which property, where rules apply, etc.
- Although the code is very long, it provides little direction for applicants or users in terms of how to understand and navigate it. County planners spend a lot of time helping applicants with this aspect of the code.

Code Audit Findings
An audit of Chapter 39 of the Multnomah County Zoning Code identifies gaps, omissions, problematic or challenging standards and criteria, and lack of specificity in regulations that impact the usability of the code. This audit corroborates many of the findings from the Best Practices Research and the Stakeholder Engagement activities described above. The recommendations and amendments that follow from the audit will also help the County ensure consistency with several recent State strategies and requirements to increase housing availability and affordability. The full code audit report can be found in Attachment C.

The audit found areas for general improvement to the code in the following areas:

- **Use of Columns:** To improve readability, useability, and consistency with other zoning codes and to have the ability to more easily and effectively incorporate tables and graphics into the revised code, it is recommended the zoning code be reformatted from a two-column format to a single column format. This recommendation has been noted consistently by County staff, decision-makers, and community members.

- **Complex Text Narrative:** To improve readability and usability, consider simplifying the amount and complexity of the text, in the document and substituting it with numerical lists, tables and graphics, and plain language where applicable. To the greatest extent possible revise language used throughout the code to make it more user friendly and understandable to general citizens. These changes also would include removing or reducing narrative text that does not explicitly represent a code standard or requirement. Consider using the "TGM Model Code" for an example of "plain language' which is used in many jurisdictions in Oregon.

- **Tables and Graphics:** The current Code relays heavily on lists to convey permitted uses and development standards (i.e. dimensional standards for lots in zones, setbacks, minimum parking standards). To improve usability and clarity in the Code consider amending the Code to convey this information in a tabular format. Consider the addition of graphics to convey development and design standards, and definitions as applicable, example 'Building Height.'

- **Consolidated location for Permitted Land Uses for All Zones**: Consider the addition of a code section and a 'Land Uses and Development Types Permitted' table that shows permitted land uses and development for all zones in one location of the code to improve clarity and usability. The permitted uses currently are spread across several sections of the Code.

- **Use of Discretionary Language:** Discretionary terms (e.g., "to the greatest extent possible," "appropriate to the use," characteristics similar to," "the Planning Director may also require," and other similar statements) create standards that are not clear and objective. The Code should be improved by limiting discretionary language for development and design standards and replacing it with clear and objective language.

- **Discretionary Standards for the Development of Housing:** Recently adopted House Bill 3197 (2023) requires that Multnomah County (and other counties) update the Code to provide clear and objective standards related to the development of housing. The requirement for clear and objective regulations for housing applies to all land within an urban growth boundary as well as in unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994; non-resource lands; and areas zoned for rural residential use. It also requires clear and objective standards to be used for terms, definitions, and measurements that provide for consistent interpretation. Also included are standards and requirements that could impact or be related to the development of housing such as land divisions, lot of record, full compliance, and natural resource overlays. Most of the existing standards in the Code are out of compliance and require revisions.

- **General Application Review Process and Decision for the Development of Housing:** The application process and procedures for several applications for housing are required to be approved though a discretionary process (Type II or Type III). All applications for housing (within an urban growth boundary, unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, non-resource lands; and areas zoned for rural residential use) are required to have a clear and objective (Type I) path of approval. The County will be required to update procedure types for some applications and/or application types for certain types of development.
- **Consolidation of Definitions:** Definitions are provided in several code chapters and in Part 2 where the code-wide definitions are located. To improve Code usability and consistency, consider consolidating definitions into Part 2 and resolving conflicting definitions. Also note that the definitions in the Code will need to be updated to be C&O and consistent with state statutes.
- **Conditional Use Purpose and Criteria:** The purpose and objective for Conditional Use review is unclear and inconsistent throughout the code. Clarifying the underlying philosophy of conditional use reviews and updating the conditional use criteria to be consistent throughout the code and applied in a similar manner as other codes in the state is recommended to enhance the useability of the Code.

The table below identifies the anticipated extent of revisions to each section of the code. Major revisions are those that are expected to result in policy changes or a change requiring a Measure 56 notice, for example significant narrative changes or removing large sections of the code. Minor revisions may include moving or reorganizing code sections without changing the narrative, simplifying and refining code narrative that does not result in policy changes, reformatting development standards or land uses into tables, or updating definitions to align with state statutes. The determination of major or minor revision was made by the consultant team with input from County staff. The last column of the table identifies potential sources of model code language or general best practice approaches to the code issues. This information is based on findings from the best practices research completed earlier in the project. Like the Code Audit Report, not all sections of the code are included in this table.

Table: Overview of Major vs. Minor Amendments

Code Issue/Section	Major/Minor Revisions	Best Practice/Model Code
Code Organization	Major	See Clackamas County, Hood River County, and Deschutes County codes for examples of best practices for code organization.
Administration, Procedures, Enforcement, Permits and Fees – Part 1		
Preapplication conferences	Major	

Code Issue/Section	Major/Minor Revisions	Best Practice/Model Code
Application requirements/procedures	Major	Clackamas County Code, Table 1307-1
Review procedures	Major	Clackamas County Code
Lot of Record Verification Procedure	Major	Deschutes County Code
Code Compliance and Applications - Full Compliance Requirement	Major	TGM Model Code
Definitions – Part 2	Minor	
Lot of Record – Part 3	Major	Deschutes County
Base Zones – Part 4 (Specific Zones and General Provisions)		
Use tables	Minor	See Clackamas and Tillamook County codes for examples of use tables.
Resource Districts – Part 4.A		
Non-resource Residential Base Zones – Part 4.B		
Overlays – Part 5		
Definitions	Minor	
Flood Hazard	Minor	
Geologic Hazards	Minor	
Planned Development	Major	
Significant Environmental Concern	Minor	
Agricultural Fill Permit (39.6230)	Major	
Willamette River Greenway	Major	
Common Development Standards – Part 6	Major	Tillamook County – consolidated development standards
Parking, Loading, Circulation, and Access – Part 6.C.1	Major	
Dimensional Standards, Improvements, Setbacks	Major	Clackamas County
Minimum Required Off-Street Parking Spaces	Major	Clackamas County
Signs – Part 6.C.2	Minor	Clackamas County
Conditional and Community Service Uses – Part 7		

Code Issue/Section	Major/Minor Revisions	Best Practice/Model Code
Conditional Uses – Part 7.A	Major	
Specific Use Standards – Part 8		
Design Review	Major	
Adjustments and variances – Part 8.B	Major	State model code
Nonconforming uses	Major	
Bus Shelters	Minor	
Marijuana Businesses	Minor	
Mobile Homes and Mobile Home Parks	Minor	
Temporary Uses	Minor	
Parcels, Lots, Property Lines and Land Divisions – Part 9		
Purpose, Scope and Type of Land Divisions - 9.A	Minor	TGM Model Code
Land Division Categories	Minor	
Category 1 Land Divisions	Minor	
Property Line Adjustment Process	Minor	
Land Divisions - Part 9.D	Minor	TGM Model Code
Supplementary Application Materials	Minor	
Future Street Plan Contents	Major	
Standards for Land Divisions - Part 9.E	Major	TGM Model Code
Legalization of Lots and Parcels That Were Unlawfully Divided – Part 9.G	Major	
Mechanism to review and specific approval criteria to approve certain unlawfully divided lots or parcels	Major	

Conclusion and Next Steps

There are many common threads through the first few tasks of this project. Code issues previously identified by County staff were validated through stakeholder input and the code audit. The next steps are to share these findings with members of the County's Planning Commission, further review them through discussion with County staff, and outline the options for amendments.

Attachments

- Attachment A: Best Practices Memorandum
- Attachment B: Focus Group Interview Summary
- Attachment C: Code Audit Report