



**TO:** Kevin Cook and Megan Gibb, Multnomah County  
 Rachel Six and Kelly Reid, Oregon Department of Land Conservation and Development

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

**RE:** Multnomah County Code Improvement Project– Module 1 Draft Code Amendments Planning Commission Discussion Questions (County Task 9.2 & DLCD Task 3.1)

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## Introduction

The Multnomah County Code Improvement Project is intended to update and modernize the Zoning Code, consistent with County policy priorities. The code update is also being co-funded by the Oregon Department of Conservation and Development (DLCD). The code update is 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. In addition, the update will also include amendments supporting the overall Code Improvement Project. These two projects are occurring simultaneously.

The outcome of this project will be a consolidated set of amendments that will make the code more clear and objective, compliant with state laws, easier to interpret and use by community members, and implementable by County staff and decision-makers. More specifically, code issues to be addressed in this phase of the project include simplifying code language; reformatting text to one-column; clarifying applications procedures; adding use tables for each base zone; right-sizing development standards; among other improvements.

For ease of review and discussion, the draft code amendments will be organized into four discrete modules, or bundles, corresponding to the “Parts” of the MCZO Chapter 39, beginning with Module 1 provided in this document.

Module 1	Module 2	Module 3	Module 4
<b>Part 1</b> – Administration, Procedures, Enforcement, Permits and Fees  <b>Part 3</b> – General Provisions (Lot of Record)  <b>Part 7</b> – Conditional Uses and Community Service Uses	<b>Part 4</b> – Base Zones <b>Part 5</b> – Overlays <b>Part 6</b> – Common Development Standards	<b>Part 8</b> – Specific Use Standards  <b>Part 2</b> – Definitions <b>Part 9</b> – Parcels, Lots, Property Lines and Land Divisions	Conforming amendments  Reconciliation of prior code amendments  Additional graphics and formatting

## Module 1 – Draft Amendments

This memo provides a high-level summary of the proposed amendments to the MCZO for the parts of the code included in Module 1 (see *MIG Module 1 – Draft Code Amendments*). The draft amendments are initial recommendations to meet the project objectives listed above. The amendments also respond to the

findings and direction provided in the Code Audit Report and Key Issues and Policy Direction Memo, which clarified the code issues and needs and provided explanation for specific state regulations. Module 1 amendments include:

- **Part 1 – Administration, Procedures, Enforcement, Permits and Fees**  
Refer to ‘Part 1 Administration, Procedures, Enforcement\_RED LINES\_020626’, Summary of Amendments and Requests for Policy Direction’ and the summary below.
- **Part 3 – General Provisions (Lot of Record)**  
NO ADDITIONAL UPDATES, COMMENTS or REVIEW of Part 3 are anticipated to be included in Module 1, given that County staff and members of the Planning Commission have already conducted a preliminary review of these proposed amendments.
- **Part 7 – Conditional Uses and Community Service Uses**  
Refer to ‘Part 7 Community and CU Uses\_RED LINES\_020626,’ ‘Summary of Amendments and Requests for Policy Direction’ and the summary below.

After discussing the initial recommendations, the team will refine the draft to complete a proposal which the team will present for your review during a public hearing, and at which we will also take testimony from members of the public.

## Summary of Discussion Questions for Module 1 Amendments

The following table summarizes questions to be discussed by the Planning Commission related to the Module 1 amendments and associated recommendations by the project team.

ISSUE/SECTION	DESCRIPTION AND TEAM RECOMMENDATION	FEEDBACK REQUESTED
<b>Part 1</b>	<b>Administration, Procedures, Enforcement, Permits and Fees</b>	
<b>Appeal of PC decisions by planning director</b>	<ul style="list-style-type: none"> <li>● There are several specific processes in the procedures for the Planning Director to appeal decisions by a Hearing Officer or the Planning Commission. These are unique processes in the MCZO which are not found in other communities’ codes with which we are familiar. The team recommends eliminating these provisions because the provision has only been used once and adds a high degree of complexity to the appeals process and application timelines.</li> </ul>	<ul style="list-style-type: none"> <li>● <i>Does the PC support this recommendation?</i></li> </ul>
<b>Part 3</b>	<b>General Provisions (Lot of Record)</b>	
<b>Lot of Record Verification</b>	<ul style="list-style-type: none"> <li>● Per the direction of staff and the Planning Commission, the project team is currently working to update the most burdensome sections of the code as a set of short-term amendments, including provisions related to Lot of Record verification. The updates to Part 3 are underway, have already undergone preliminary review by County staff and the Planning Commission, and are expected to be adopted by approximately June 2026.</li> </ul>	<ul style="list-style-type: none"> <li>● <i>The Planning Commission is reviewing these separately. No additional feedback requested on this section.</i></li> </ul>

ISSUE/SECTION	DESCRIPTION AND TEAM RECOMMENDATION	FEEDBACK REQUESTED
	<p>Once adopted they will be incorporated into the larger Code Update.</p>	
<b>Part 7</b>	<b>Conditional Uses &amp; Community Service Uses</b>	
<b>General Provisions for Conditional Uses</b>	<ul style="list-style-type: none"> <li>Based on the Code Audit Report, the Team recommends updating the MCZO to align with the TGM Model Code (2026) for Conditional Uses. The proposed updates to 7.A Conditional Uses would be incorporated from the TGM Model Code for Small Cities (2026) for general CU criteria and conditions, while retaining the specific CU criteria related to county issues such as farm and forest resources. Using the Model Code CU review criteria and conditions will improve the clarity of the CU process for applicants, staff, PC members, and Hearing Officers. The current highly subjective criteria results in a degree of uncertainty for both applicants and community members who may interpret the criteria very differently. This high degree of uncertainty exposes Conditional Use Permits to a lengthy, expensive application process with a high likelihood of appeals.</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>
<b>Site Design Review for Conditional Uses</b>	<ul style="list-style-type: none"> <li>Currently, in section 39.7025 all Conditional Use reviews must also undergo Site Design Review which can be a barrier to efforts to develop, expand, or reinstate commercial uses. Similarly, the code requires a Site Design Review process to reestablish a discontinued CU and re-open as the same use. The project team recommends decoupling the Design Review requirement from the Conditional Use process and providing additional exemptions for design review, including a change of use if the new use is substantially similar to the previous use.</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>
<b>Vehicles of Special Interest</b>	<ul style="list-style-type: none"> <li>The CUP requirement and criteria for the storage of one or more ‘Vehicles of Special Interest’ appears to be excessive. The project team recommends eliminating these provisions.</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>
<b>Type C Home Occupations</b>	<ul style="list-style-type: none"> <li>The project team recommends updating the criteria and thresholds for approval of Type C Home Occupation in section 7.A.5, given the increase in post pandemic home occupations and technology.</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>
<b>Community Service Uses Generally</b>	<ul style="list-style-type: none"> <li>The project team recommends moving Community Services Uses into the Conditional Uses section. This would eliminate the Community Services approval processes and procedures and treat those uses either as Conditional Uses or as allowed or review uses where that appears to be more appropriate. The uses listed in the Community Services sections will be relocated to</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>

ISSUE/SECTION	DESCRIPTION AND TEAM RECOMMENDATION	FEEDBACK REQUESTED
	<p>the base zone chapters as ‘Allowed Uses’, Review Uses’ or ‘Conditional Uses’ based on the impact of the use in the specific zone. This also would result in some current Community Service Uses being subject to a Type I or Type II process, rather than a Type III discretionary approval process.</p>	
<p><b>Community Service Uses Siting Criteria</b></p>	<ul style="list-style-type: none"> <li>Section 39.7525 includes prescriptive siting standards for the Community Services Uses in some zones (EFU, CFU, MUA-20, RR, BRC, OCI, OR and PH-RC, UF-20, LR-10, UF-20, MUF, SRC, and RC). These differ from the base zone standards for allowed uses. Where there are no statutory requirements for these differing standards, the project team recommends eliminating them and applying the base zone standards, with the exception of Conditional Uses which will be subject to discretionary review based on impacts.</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>
<p><b>More Impactful Community Service Uses</b></p>	<ul style="list-style-type: none"> <li>More impactful Community Service Uses will continue to have specific approval criteria (e.g., transmission towers, landfills), with minimal changes to existing standards and criteria recommended by the project team at this time. They will be relocated to Conditional Uses.</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>
<p><b>Surplus Public School Space</b></p>	<ul style="list-style-type: none"> <li>Section 7.B.3 Surplus Public School Space, uses listed do not seem to have impacts that rise to a Type III review process and likely would be permitted outright in other zones and locations. The Team recommends that this section be eliminated as it is a barrier to the use of existing school space for similar uses that don’t produce more intense impacts on the school sites. New school standards will recognize that schools are centers of community and may use spaces in evenings and at other times in response to community needs.</li> </ul>	<ul style="list-style-type: none"> <li><i>Does the PC support this recommendation?</i></li> </ul>