



Zoning Code Improvement Project

Near-Term Code Amendments

*Lot of Record,
Full Compliance
Nonconforming Situations*

Planning Commission Meeting

April 6, 2026





Presentation Agenda

- Introductions
- Objectives of the short-term amendments
- Status – Legal Review
- Overview
- Next Steps
- Questions & Discussion

*Funded with County and
State Grant Funding*



Introductions



County Staff Team

- Megan Gibb, Land Use Planning Director
- Kevin Cook, Principal Planner



Consulting Team (MIG)

- Matt Hastie
- Carrie Brennecke
- Cathy Corliss



Next Steps: Code Amendments

Near Term

- Minor accessory structures
- Process for minor modifications to approved plans
- Minor amendments to Administrative Procedures
- Other minor housekeeping amendments
- Standards for Temporary Permits
- National Scenic Area Amendments
- New Flood Zone Maps

6 Months

- Lot of record verification
- **Nonconforming situations (uses, lots, & development)**
- **Full compliance requirements**

Long Term

- Simplify code language reformat document
- Reformat text to one-column
- Clarify application procedures
- Insert use tables for base zones
- Right-size development standards
- Address state administrative rules and statutes
- Expand the use of graphics
- Ensure requirements related to development of housing are C&O



Objectives

- Streamline and simplify the requirements
- Update MCC for internal consistency

Why now?

- Issues with the current Lot of Record, Full Compliance and Nonconforming Uses procedures were raised at public meetings
- There is widespread support for addressing this issue



Existing Code and Issues – Lot of Record

Modernizing Lot of Record (LOR) Standards

- Current standards are universally identified as overly complex and burdensome.
- Applicants must perform deep historical "detective work" to prove a lot was lawful at the time of its creation.
- **Current Code results in:**
 - Significant staff and applicant time lost to deed research.
 - Unnecessary barriers for properties created pre-1950.
 - Confusing requirements for nonconforming lots (e.g., 2 acres in a 20-acre zone).
- **Near-term Code Update:** Streamline the verification process without compromising state land-use mandates.



Existing Code and Issues – Full Compliance

- Both County staff and the public find frustration with the current full compliance procedure.
- The current full compliance requirement has been identified as a significant barrier to development and an obstacle to completing small structure upgrades.
- The Code Audit identified this requirement as unique to Multnomah County and onerous/problematic for applicants.
- Currently, the Code makes it very difficult to approve a land use decision or permit for a property not in full compliance with all applicable Code provisions and prior permits.



Existing Code and Issues

– Nonconforming Uses

Findings from the Code Audit:

- Language is very “legalese” and unclear.
- Nonconforming use and the verification process could be described in simpler terms (39.8300 and 39.8305).
- Criteria for alternation, expansion, or replacement are not clear and objective.
- Consider allowing minor expansions of nonconforming residential uses without a permit in urban zones.



Proposed Approach

Lot of Record, Full Compliance, and Nonconforming Situations

Lot of Record

Streamlining Lot of Record Verification

- Automatically recognize properties created through a process approved by the County or State (e.g., partitions, subdivisions, etc.) as lawfully established without requiring additional research.
- Focus the compliance with zoning on lot size, dimensions and access,
- Create a Type 1 process for certain types of Lot of Record verifications

Full Compliance (MCC § 39.1250)

- Development sites must be in compliance with the applicable provisions of the Zoning Code to obtain a permit:
 - In most cases, property must be a lot of record.
 - If existing uses or improvements don't conform to current standards, then nonconforming situation provisions apply.
- The list of exceptions to compliance determination has been expanded and made clear and objective:
 - Not all minor projects must be outside Flood Hazard zone or Geologic Hazard overlay.
 - Minor projects no longer limited to benefit of the residents, farm uses, or natural habitat.



Nonconforming Definition (MCC Part 2)

Expand definition of Nonconforming Use to describe two types of nonconforming situation:

- **Nonconforming Improvement**
- ***Nonconforming Use***



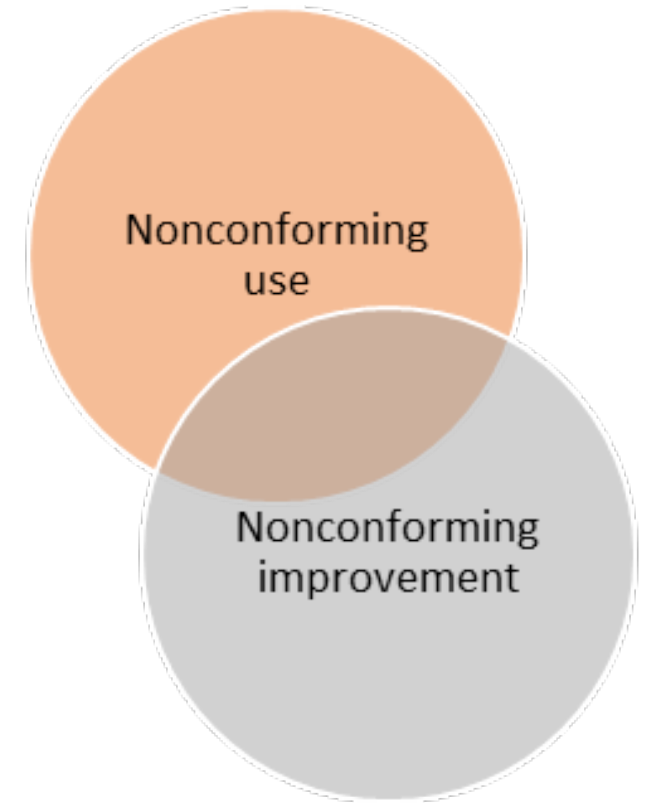
Nonconforming Improvements

Definition: *A structure, building, or site improvement that was lawfully constructed in compliance with the applicable development and design standards in effect at the time of construction, but which no longer complies with the applicable development and design standards of the district in which it is located. An improvement shall be considered legally conforming if the nonconformance has been authorized by a permit (e.g., a variance or planned development).*

Current Approach: Nonconforming **improvements** are not differentiated from nonconforming **uses**.

Nonconforming Improvements

- Nonconforming improvements are relatively common.
 - When new development standards are adopted, existing improvements can be made nonconforming.
- Nonconforming improvements typically don't have significant offsite impacts.
- Nonconforming improvements (buildings / structures / improvements) can house conforming or nonconforming uses.



Nonconforming Improvements

Proposed Approach: More lenient regulations for nonconforming improvements to provide more flexibility and allow for adaptive reuse.



*Adaptive reuse example: Auto repair shop converted into restaurant space in NE Portland
(Sources: Google Streetview and Guerrilla Development)*

Nonconforming Uses

Definition: *A use or activity that was lawfully established in compliance with the zoning regulations in effect at the time it was established but which is no longer identified as an allowed, permitted (including permitted under prescribed conditions), primary, review, or conditional use within the district in which it is located. An established use that later requires an approval (e.g., conditional use) within the district in which it is located shall be considered nonconforming until such time as the required permit is obtained.*





Nonconforming Uses

Current Approach: Nonconforming uses regulated in a manner generally consistent with ORS 215.

Proposed Approach: Continue to apply the current requirements in (Nonconforming Uses) with some amendments for consistency with Statute and to clarify the process and extended the timeframes for compliance where allowed by State law,



Next Steps



Legal Review



Hearing on Proposed
Amendments



Hearing at Board of
Commissioners



Questions and Discussion



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